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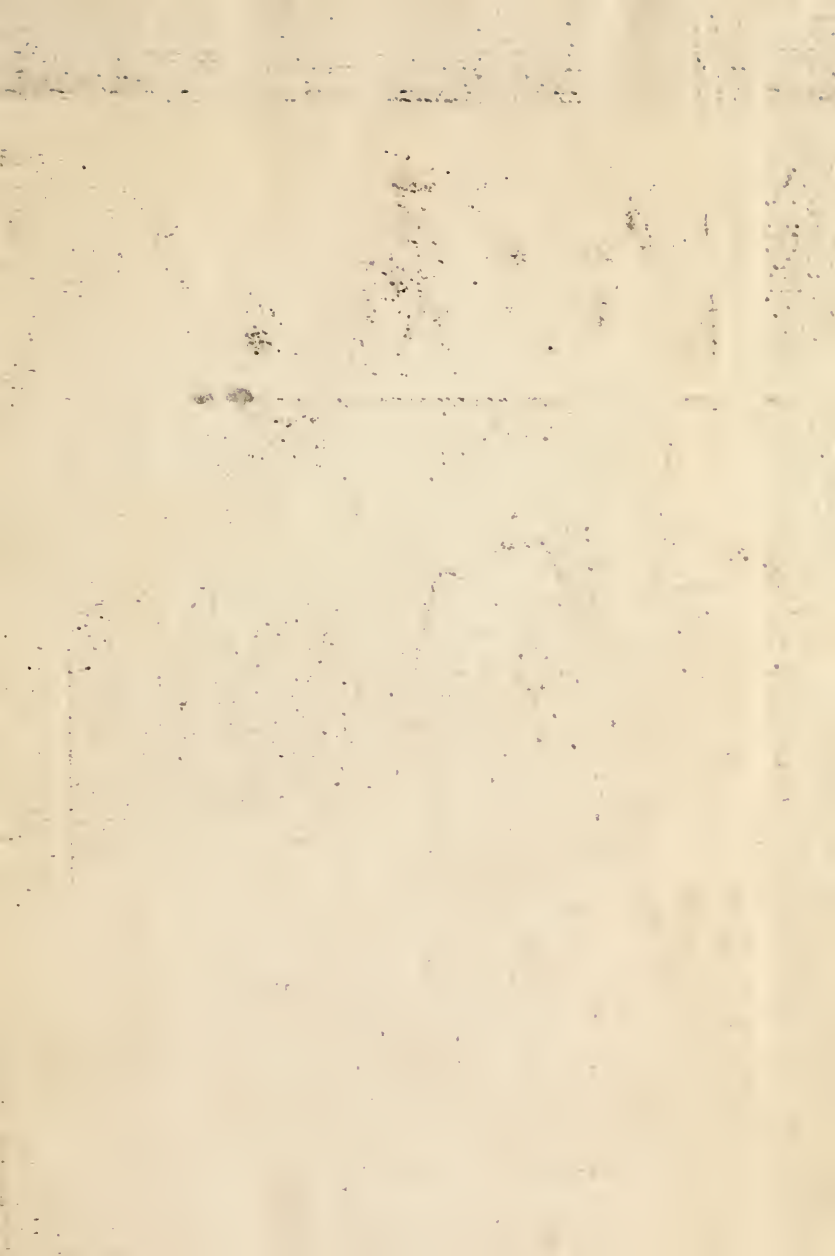
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JOURNAL
OF THE
HOUSE OF REPRESENTATIVES

OF
THE STATE OF INDIANA,

DURING THE
SPECIAL SESSION

OF THE
GENERAL ASSEMBLY,

COMMENCING SATURDAY, NOVEMBER 20, 1858.

INDIANAPOLIS:
JOSEPH J. BINGHAM, STATE PRINTER
1858.

HOUSE JOURNAL.

SATURDAY MORNING,)
November 20, 1858. }

During the special session of the General Assembly of the State of Indiana, begun and held in the City of Indianapolis, on Saturday the twentieth day of November, in the year of our Lord one thousand eight hundred and fifty-eight, being the day fixed for the meeting of the same by the following proclamation of the Governor of the State of Indiana, calling the said special session :

WHEREAS, Section Ninth of Article Fourth of the Constitution of the State of Indiana provides that when, in the opinion of the Governor of said State, the public welfare shall require it, he may, at any time, by proclamation call a special session of the General Assembly:—

Now, therefore, I, ASHBEL P. WILLARD, Governor of the State of Indiana, believing that the public welfare requires a special session of the General Assembly of the State of Indiana, do hereby convene said special session of the General Assembly of the State of Indiana, at Indianapolis, the capital of said State, on Saturday, the twentieth day of November, eighteen hundred and fifty-eight. And I do hereby require all the members of the General Assembly of the State of Indiana to be and appear at Indianapolis on the said twentieth day of November, eighteen hundred and fifty-eight.

IN WITNESS WHEREOF, I have hereunto set my hand, and caused to be affixed the seal of the State, at the city of Indianapolis, this 19th day of October, in the year of our Lord one thousand eight hundred and fifty-eight, the 43d year of the State, and of the Independence of the United States the eighty-third.

ASHBEL P. WILLARD.

By the Governor:

DANIEL MCCLURE, *Secretary of State.*

The House of Representatives being called to order by James R. Bracken, assistant clerk of the last House of Representatives, in the absence of the principal clerk, the following members appeared, produced their credentials, and were sworn into office by the Honorable David Wallace, Judge of the Marion Court of Common Pleas of the State of Indiana, and took their seats, viz:

- For the county of Adams*—Jonathan Kelly, sr.
- For the county of Allen*—Nelson M'Lain and Schuyler Wheeler.
- For the county of Bartholomew*—Albert G. Collier.
- For the county of Boone*—Clark Devol.
- For the counties of Boone and Hendricks*—Orville S. Hamilton.
- For the county of Brown*—Lewis Prosser.
- For the county of Carroll*—Nathaniel Black.
- For the county of Cass*—Charles B. Knowlton.
- For the county of Clark*—Andrew J. Carr.
- For the county of Clinton*—James B. Newton.
- For the county of Clay*—Lewis Row.
- For the county of Crawford*—James Summers.
- For the county of Daviess*—Richard A. Clements, jr.
- For the county of Dearborn*—Noah C Durham.
- For the county of Decatur*—William J. Robinson.
- For the county of Delaware*—William Brotherton.
- For the county of DeKalb*—Miles Waterman.
- For the county of Elkhart*—John E. Thompson.
- For the counties of Elkhart and Lagrange*—Charles L. Murray.
- For the counties of Fayette and Union*—George W. Treadway.
- For the county of Fountain*—Horatio R. Claypool.
- For the county of Floyd*—John S. Davis.
- For the county of Franklin*—Thomas Gifford.
- For the county of Fulton*—Banner Lawhead.
- For the county of Gibson*—Isaac H. Woods.
- For the county of Grant*—William Hall.
- For the county of Greene*—Elijah H. C. Cavins.
- For the county of Harrison*—Henry Jordon.
- For the county of Hancock*—Samuel Shockley.
- For the counties of Hancock and Shelby*—Thomas Clayton.
- For the counties of Hamilton and Tipton*—Addison Boxley.
- For the county of Henry*—Joshua H. Mellett.
- For the county of Hendricks*—Levi Ritter.
- For the county of Howard*—Thomas I. Harrison.
- For the counties of Huntington and Whitley*—John B. Firestone.
- For the county of Jackson*—Samuel St. Clair Early.
- For the counties of Jasper and Pulaski*—David S. Snyder.
- For the county of Jennings*—John J. Shields.
- For the county of Jefferson*—David C. Branham and John L Mansfield.
- For the county of Johnson*—Augustus Keefer.
- For the county of Jay*—George C. Whiteman.

For the counties of Johnson and Morgan—Oliver R. Dougherty.

For the county of Kosciusko—Silvanus Davison.

For the counties of Kosciusko and Wabash—Andrew J. Power.

For the county of Knox—Isaac N. Eastham.

For the county of Lagrange—Levi L. Wildman.

For the county of Lake—Elihu Griffin.

For the county of Laporte—Mason G. Sherman and William H. Scott.

For the county of Lawrence—Robert Boyd.

For the county of Madison—William A. Thompson.

For the county of Marion—Jonathan W. Gordon and Isaac N. Cotton.

For the county of Martin—Cutter S. Dobbins.

For the counties of Marshall and Stark—James O. Parks.

For the county of Miami—William Smith.

For the county of Monroe—Morton C. Hunter.

For the county of Montgomery—James F. Harney.

For the county of Morgan—Cyrus Wetzel.

For the county of Noble—Henry C. Stanley.

For the counties of Ohio and Switzerland—William H. Gregory.

For the county of Orange—David S. Lewis.

For the county of Owen—John H. Martin.

For the county of Parke—Samuel H. Johnston.

For the county of Pike—George W. Massey.

For the county of Perry—Hamilton Smith.

For the county of Porter—Thomas J. Merrifield.

For the county of Posey—Hassel Nelson.

For the county of Putnam—Isaac N. Rynearson and Joseph B. Fordyce.

For the county of Randolph—Silas Colgrove.

For the county of Ripley—William L. Hartley.

For the county of Rush—Festus Hall.

For the county of Scott—Thomas M. Sullivan.

For the county of Spencer—Calvin Jones.

For the county of Sullivan—David Usrey.

For the county of Shelby—William Major.

For the county of Steuben—Philo Clark.

For the county of St. Joseph—Thomas S. Stanfield.

For the county of Tippecanoe—Chris Miller and Israel N. Styles.

For the counties of Vanderburgh and Posey—James E. Blythe.

For the county of Vanderburgh—Ben. Stinson.

For the county of Vermillion—Aquilla Nebeker.

For the county of Vigo—John P. Baird and William K. Edwards.

For the county of Wabash—John Comstock.

For the county of Warren—Richard M. Nebeker.

For the county of Warrick—William F. Parrett.

For the county of Washington—John A. Bowman.

For the counties of Washington and Harrison—William Hancock.

For the county of Wayne—William C. Jeffries, James M. Austin and Jonathan H. Hamilton.

For the counties of Wells and Blackford—William T. Shull.

For the counties of White and Benton—David Turpie.

On motion,

The House proceeded to the election of Speaker by a *viva voce* vote.

Those who voted for Jonathan W. Gordon, a Representative from the county of Marion, were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davidson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mansfield, Mellett, Miller, Murray, Morton, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynearson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman and Wildman.—50.

Those who voted for David Turpie, a Representative from White and Benton, were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordon, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Usrey, Waterman, Wheeler and Wood.—43.

Mr. Blythe voted for John S. Davis, Representative from Floyd county.

Mr. Jones voted for James E. Blythe, Representative from the counties of Vanderburgh and Posey.

Jonathan W. Gordon having received a majority of all the votes cast, was declared by the clerk duly elected Speaker of the House of Representatives for and during the present session, and was conducted to the chair by Messrs Turpie and Stanfield;

Whereupon the Speaker returned his thanks as follows:

Gentlemen of the House of Representatives:

I thank you for this preferment—honorable indeed, if the obligations which attend it shall be discharged with fidelity; and your

generous confidence, whose voice I obey in assuming them shall be remembered with gratitude. Allow me to assure you the gratitude of an overflowing heart, as the best pledge in my power, for that fidelity; and to say that, if this alone were sufficient to secure success in this to me untried position, I should not hesitate at its threshold; nor distrust, as I most unfeignedly do, my abilities and preparations for its duties.

The people of *Indiana* look to the present General Assembly with unusual interest—an interest approaching anxiety. They expect much at its hands. The House as an integral branch thereof, is to them no less an object of interest and hope; for they know, that upon it depends the successful action of the whole. A common constituency desire that we shall act as becomes the Representatives of a confiding people, suffering under the pressure of the times and evils incident to improper and insufficient legislation upon very many of the most important interests of society. They ask that we shall unite, and, as one man, labor for the correction of old abuses, and the prevention of new; that their finances be placed upon an equitable and firm basis, and their treasury protected from invasion from whatever quarter; that all unnecessary expenditures shall be cut off; that their servants shall be justly paid for their services, and all nameless and ruinous perquisites withheld; that their Common School System shall be reconstructed and rendered harmonious with the Constitution, and conducive to the thorough education and development of the rising generation, into whose hands the State with all her interests and institutions must soon pass. Nor are our public charities regarded by the people with less solicitude. They must be secured against all abuses, and enabled to give expression to that highest phase of associated benevolence of which they are the appropriate representatives. In a word, *Indiana*, in the language of *Nelson*, expects every man to do his duty.

Called upon to act as your organ in responding these just expectations and hopes of the State, I need not say to those who know me, and whose kindness has placed me here, that whatever I can do to facilitate the accomplishment of our common purpose shall be done. I know, however, that I shall often fall short of your just expectations; and be under the necessity of relying upon the wisdom, sympathy and charitable forbearance of the House, by whose kindness I have been called to the responsibilities. One thing only I promise—my errors shall all be errors of the head—not of the heart.

Relying upon your charitable support, I again thank you from the very bottom of my heart.

On motion,

The House proceeded to the election of Principal Clerk.

Those who voted for Richard J. Ryan were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier Comstock, Cotton, Davison, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneanson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Wildman and Mr. Speaker.—54.

Those who voted for Thomas A. McFarland were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dugherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordon, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman and Wheeler.—44.

Richard J. Ryan having received a majority of all the votes given was declared duly elected Principal Clerk for and during the present session, and was sworn into office by Hon. David Wallace, Judge of the Court of Common Pleas, for the District of Marion county, and entered upon the discharge of his duties.

On motion,

The House proceeded to the election of Assistant Clerk.

Those who voted for George H. Chapman were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneanson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Wildman and Mr. Speaker.—52.

Those who voted for E. Ellis Campbell were,

Messrs. Blythe, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jones, Jordon, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson,

Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods.—46.

Mr. Chapman having received a majority of all the votes given, was declared duly elected Assistant Clerk for and during the present session, was sworn into office by the Hon. David Wallace, Judge of the Marion County Court of Common Pleas, State of Indiana, and entered upon the discharge of his duties.

On motion,
The House proceeded to the election of Doorkeeper.

Those who voted for Robert Jennings were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, [Davison, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jeffries, Jones, Kelly, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneanson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Widman and Mr. Speaker—54.

Those who voted for John B. Milroy were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Hartley, Jordon, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—42.

Mr. Jennings having received a majority of all the votes given, was declared duly elected Doorkeeper for and during the present session, and was sworn into office by Hon. David Wallace, Judge of the Court of Common Pleas of Marion county, and entered upon the discharge of his duties.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am instructed by the Senate to inform the House that the Senate has adopted the following:

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected James H. Vawter, Principal Secretary; James N. Tyner, Assistant Secretary; A. F. Shortridge, Doorkeeper, and John Osborn, Assistant Doorkeeper, and they are now ready to proceed to legislative business.

On motion by Mr. Dobbins,

Resolved, That the Senate be informed that the House of Representatives is organized by the election of Jonathan W. Gordon, Speaker; Richard J. Ryan, Principal Clerk; George H. Chapman, Assistant Clerk, and Robert Jennings, Doorkeeper, and they are ready to proceed to legislative business.

On motion by Mr. Austin,

Resolved, That the Doorkeeper be authorized to appoint two boys to act as pages to this House during the present session.

On motion by Mr. Boyd,

Resolved, That the Rules governing the last House of Representatives be temporarily adopted as the Rules for the present session.

On motion by Mr. Dobbins,

Resolved, That the Reporters of the city newspapers be permitted to occupy seats upon the floor and within the bar of the House, to be assigned them by the Speaker.

On motion by Mr. Davis,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

On motion by Mr. Turpie,

Resolved, That the Doorkeeper furnish to members, at their desks, a copy of the rules of the House, and joint rules of the House and Senate, as soon as practicable.

On motion by Mr. Dobbins,

Resolved, That a committee of two be appointed by the Speaker, on the part of the House, to act with a similar committee on the part of the Senate, to wait on His Excellency, the Governor, to learn at what time he will deliver his Message, and that the Senate be informed of the adoption of this resolution.

On motion of Mr. Nebeker, of Warren,

Resolved, That the duties usually imposed upon, and performed by a Sergeant-at-Arms, be performed by the Doorkeeper of this House, without extra pay.

On motion by Mr. Jeffries,

Resolved, That the Doorkeeper be instructed to procure and lay on the desk of each member of this House, a copy of the Revised Statutes, a copy of the Acts of 1857, and the Journal of the last session.

Mr. Murray offered the following resolution:

Resolved, That the Doorkeeper be allowed to appoint such assistants as he needs, not exceeding six in number.

Mr. Hunter moved to amend the resolution as follows:

Strike out "six" and insert "four."

Which amendment was adopted.

The resolution as amended was then agreed to.

Mr. Baird offered the following resolution:

Resolved, That the Clerk and Assistant Clerk have leave to appoint two assistants each.

Mr. Prosser moved to amend the resolution as follows:
Strike out "two" and insert "one."

Mr. Colgrove moved to lay the resolution and pending amendment on the table,
Which motion prevailed.

Mr. Dobbins offered the following resolution:

Resolved, That the Doorkeeper be instructed to subscribe for, and procure to be laid upon the desks of each member of this House, during the present session, three copies of the following newspapers, to-wit: the Daily Journal, Daily Sentinel and Weekly Locomotive.

Mr. Murray moved to amend the resolution as follows:

Resolved, That the Doorkeeper be empowered to procure three copies each, of such papers of this city as shall maintain reporters on this floor, for the purpose of reporting the proceedings of the House in full.

Mr. Boyd moved to amend the amendment as follows:
Strike out "three" and insert "two."

Mr. Jeffries moved to lay the resolution and pending amendments on the table,
Which motion prevailed.

On motion of Mr. Austin,

Resolved, That the Doorkeeper be instructed to post up in conspicuous places in the Hall of the House, the 57th rule adopted as a rule of the House, and see that it is enforced.

Warren Tebbs, a Representative from the county of Dearborn, appeared, produced his credentials, and was sworn into office by the Speaker.

On motion by Mr. Austin,
The House adjourned until Monday morning, 9 o'clock.

MONDAY MORNING, 9 o'clock, }
November 22, 1858. }

The House met.

The journal of Saturday was read and approved.

Mr. M. Kempf, Representative elect from the county of Dubois, came forward, produced his credentials, and was sworn into office by the Speaker.

Under a resolution of the House, of Saturday last, the Speaker appointed Messrs. Dobbins and Edwards to act with a similar committee on the part of the Senate to await upon His Excellency, the Governor, and ascertain from him at what time he will be ready to deliver his message.

Mr. Lawhead offered the following resolution :

Resolved, That the Doorkeeper be and he is instructed to subscribe for and procure to be laid upon the table of each member of the House, during the present session, three copies of the following newspapers, to-wit: the Daily State Sentinel, the Daily State Journal and the Volksblat, two of which copies respectively shall be enveloped.

Mr. Nebeker, of Warren, moved to amend the resolution by striking out the "Weekly Volksblat."

Mr. Hunter moved to lay the resolution and amendment on the table.

Which was not agreed to.

Mr. Ritter moved to amend the amendment by inserting two copies of "Daily State Sentinel and Journal," and one copy of the "Weekly Free Press" and "Volksblat."

Mr. Jeffries moved to refer the resolution and pending amendments to a select committee of five.

Which was not agreed to.

A message from the Senate by Mr. Vawter their Secretary.

MR. SPEAKER :

I am directed to inform the House that the Senate has concurred in the resolution of the House, appointing a committee to

wait upon the Governor and ascertain at what time it will be convenient to deliver his message, and Messrs. Murray and Wallace have been appointed said committee on the part of the Senate.

The question pending, being on the amendment to the amendment.

On motion by Mr. Austin,
The resolution and amendments were laid on the table.

Mr. Murray offered the following resolution:

Resolved, That the Doorkeeper be empowered to contract with such proprietors of newspapers of this city as intend to report the proceedings of this Legislature in full, for three copies of their respective papers, two of them enveloped and stamped, delivered upon the desks of the respective members of this body.

Mr. Harney submitted the following amendment:

That the Doorkeeper subscribe, for the use of the members, for three copies each of the Daily Journal and Sentinel, two copies of each to be enveloped and stamped.

Mr. Baird offered the following amendment to the amendment:
Amend by adding "and three copies of the Volksblat and Free Press."

Mr. Rynearson moved to lay the resolution and pending amendments on the table.

The ayes and noes were demanded by Messrs. Dobbins and Blythe.

Those who voted in the affirmative were,

Messrs. Black, Boyd, Branham, Collier, Dougherty, Durham, Devol, Edwards, Fordyce, Gregory, Hamilton of Boone, Hartley, Hunter, Jeffries, Johnston, Kelly, Nebeker of Vermillion, Parks, Ritter, Row, Rynearson, Tebbs, Turpie, Usrey and Whetzel—25.

Those who voted in the negative were,

Messrs. Austin, Baird, Blythe, Bowman, Boxley, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clement, Colgrove, Comstock, Cotton, Davison, Davis, Dobbins, Early, Eastham, Firestone, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Jones, Jordon, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Robinson, Scott, Sherman,

Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Wheeler, Whiteman, Wildman and Woods—72.

So the motion did not prevail.

Mr Colgrove moved to refer the resolution and pending amendments to a select committee of five.

Which was not agreed to.

The question then recurring on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Blythe and Baird.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Jeffries, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Ritter, Row, Rynearson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Woods and Mr. Speaker—83.

Those who voted in the negative were,

Messrs. Boyd, Cavins, Clements, Devol, Early, Gregory, Harney, Hunter Johnston, Jordon, Newton, Prosser, Robinson, Shull and Treadway—15.

So the amendment to the amendment was agreed to.

The question then being on the adoption of the amendment of Mr. Harney,

It was agreed to.

The question then recurring on the adoption of the resolution as amended,

It was agreed to.

Mr. Dobbins, from a select committee, made the following report :

MR. SPEAKER :

The committee on the part of the House to wait upon His Excellency, the Governor, to learn at what time he would make his usual communication to this General Assembly, instruct me to report, that in conjunction with the Senate committee, they have performed that duty, and that His Excellency has informed them he will make his communication at half past two o'clock, P. M., this day.

Mr. Jeffries offered the following resolution :

Resolved, That the Doorkeeper be required to purchase, for the use of the House, two dollars worth of postage stamps for each member, and deliver the same to the members.

On motion by Mr. Murray,
The resolution was laid on the table.

On motion by Mr. Turpie,

Resolved, That a committee of three be appointed to act with a similar committee on the part of the Senate, to revise and agree upon the joint rules of both Houses, and that the Senate be informed hereof and requested to reciprocate.

Messrs. Turpie, Hamilton of Boone and Stanfield were appointed by the Speaker said committee.

On motion by Mr. Dobbins,

Resolved, That the Senate be invited to meet in joint session in the Hall of the House of Representatives at half past two o'clock, P. M., this afternoon, and that the Doorkeeper procure seats at the right of the Speaker's stand, to hear the message of His Excellency, the Governor.

Mr. Murray offered the following resolution :

Resolved, That a committee of two be appointed by the Speaker to act in conjunction with a similar committee on the part of the Senate, to wait upon some minister of this city, and request him to open this General Assembly with prayer, this afternoon at half past two o'clock, immediately preceding the delivery of the Governor's Message.

Messrs. Blythe and Murray were appointed said committee on behalf of the House.

Mr. Martin offered the following resolution :

Resolved, That the Assistant Clerk of this House be permitted to appoint such number of assistants as he may deem necessary, not exceeding three.

Mr. Keefer moved to amend as follows :

Strike out "three" and insert "two."

Which motion was agreed to.

The resolution as amended was then agreed to.

A message from the Senate by Mr. Vawter their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House, appointing a committee to wait upon some minister of the Gospel and invite him to open this General Assembly with prayer, at half past two o'clock, P. M., this afternoon, and have appointed Messrs. Murray and Carnahan said committee upon part of the Senate.

On motion by Mr. Turpie,

Resolved, That the Senate be invited to attend in the Hall of the House, at 2 o'clock, P. M., to attend the opening of the General Assembly with prayer.

On motion by Mr. Keefer,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Murray, from a select committee, made the following report :

MR. SPEAKER :

The committee appointed upon the part of the House to wait upon some minister of the Gospel, of this city, and procure his
2—H. J.

services to open the session of the General Assembly with prayer, have performed that duty, and beg leave to report that the Rev. Aaron Wood has consented to be present and officiate on the occasion.

The Senate came into the hall of the House and took seats on the right of the Speaker's chair,

When the General Assembly of the State of Indiana was opened with prayer by the Rev. Aaron Wood.

After which, His Excellency, the Governor, delivered the following message, in the presence of both houses:

Senators and Representatives:

Previous to the year 1852, provision was made in this State for annual sessions of the Legislature, but the members of the convention who framed our existing constitution believed that biennial sessions, after that period, would, in ordinary times, be sufficient. They provided, however, that when in the opinion of the Governor the public welfare should demand it, he might call a special session of the General Assembly.

The thirty-ninth session of the General Assembly, which adjourned on the 9th day of March, 1857, did not pass any law for the purpose of raising a revenue for the years 1857 and 1858. Until that time it was confidently hoped by the people of the State that their Representatives would at all times be willing to provide the necessary means to sustain every department of the government established by their constitution. They also expected that provision would be made to support every benevolent institution they had approved. They felt that although improvident legislation had in former days impaired the credit of their State, as similar legislation had injured the reputation of others, yet, that for many years the credit of Indiana, maintained in every particular, was to them a matter of just pride and congratulation. They felt that although Indiana, in the days of her improvidence, had been unable to maintain the high character of a sovereign State in responding to all her pecuniary obligations, yet she had now attained to that position of wealth and influence among her sister States, that any failure to redeem every undertaking would be injurious to her credit and her honor.

Notwithstanding these and other considerations, the members of the last Legislature, for reasons into which it is not my duty to inquire, failed to enact the laws necessary to sustain the various interests to which I have alluded. Shortly after such adjournment, I informed the people of the State that there was necessity for legislation, and expressed a readiness, whenever the laws could be passed, to call the members together. Believing there was such

a want of harmony among them, that necessary legislation could not be secured, I declined to exercise the power entrusted to the Governor, to call a special session of the General Assembly. But a new Legislature having been elected, I have, at the earliest practicable day, exercised the power to which I have before alluded.

Although that Legislature failed to appropriate the means which were then in the treasury to sustain the interests for which they had been raised, the administrative and executive officers of the State believed that such was the regard that the people of Indiana had for the government they had established—such their anxiety for the maintenance of their constitution, and the support of their laws, that it was their imperative duty to apply the money in their possession to the purposes for which it was collected. From that adjournment of the Legislature, those officers have endeavored to sustain every interest of Indiana, as provided for by her constitution and her laws. They found that the laws of the State provided that the Auditor, Treasurer and Governor were authorized to procure money to pay the interest upon the public debt. Believing that the welfare of the State would be promoted by paying such interest, a loan was negotiated on the 22d of June, 1858, with the Board of Commissioners of the Sinking Fund for one hundred and sixty-five thousand dollars, which was applied to the payment of such interest. After the State has undertaken to pay all the interest and principal of her debt, her sovereign integrity demands that her obligations should be redeemed. Sec. 1 of Art. 9 of the constitution declares that “it shall be the duty of the General Assembly to provide by law for the support of Institutions for the education of the Deaf and Dumb and of the Blind, and also for the treatment of the Insane.”

No appropriation was made by the Legislature to sustain those Institutions, but the money was in the treasury; the clear provision of the constitution that those Institutions should be supported, the officers of the State thought should be maintained and executed, and accordingly they applied the funds in their possession to that purpose.

The officers of the State have been enabled, by an economical administration of the public funds, to thus far sustain every department of the government, and pay the interest on our indebtedness, leaving a balance in the treasury of \$131,342 28, without making any loan except the one to which I have before alluded.

No tax having been levied for the years 1857 and 1858, all the resources for sustaining the government, or maintaining its credit, will, at an early day, be exhausted, unless the Legislature shall provide a remedy. I recommend to you, therefore, that at as early a day as possible, you take into consideration the condition of the treasury, and that a tax be levied for the year 1858.

The report of the Auditor of State will exhibit to you the amount which it is estimated will be necessary to raise. If the tax is levied at once, it can be collected in time to meet the ordinary ex-

penditures of the government. It will be necessary to negotiate a loan to meet the interest which will be due upon the public debt upon the first day of January, 1859. No difficulty will be found in negotiating such loan, provided the levy is made for the year 1858.

Justice to the residents and owners of the property of the State demands that the expenses of the government should be paid by them equally, according to the value of their property. To secure so desirable a result, it has long been the policy in Indiana to have frequent valuations of all the real property within the State. Accordingly, on the 13th of February, 1851, an act was passed to appraise the real estate, and to make the value of the same equal and uniform. Since that time no act of the Legislature has been passed ordering a new appraisement. In the meantime the increase in the value of that kind of property has been very large. If that increase had been uniform a necessity for a new appraisement would not exist. But since the passage of that law a great difference has arisen in reference to the relative value of real estate. When the last assessment was made there was but one railroad completed to Indianapolis from any point in the State, nor were any other of the existing works finished. You cannot but appreciate the effect that those roads have had upon the value of the property of the State. Indeed, it has so increased the value of such property that it is confidently believed that a new assessment would show that the taxables of the State now amount to four hundred million dollars. If this view of the subject is correct, it is manifestly unjust that the revenues paid for the support of the government should be levied upon the appraisement of 1851.

At my request the Directors of the State Prison have made a partial report as to the condition of that Institution. You will observe, by an examination of that report, that the new cell house has been finished; but even now, after the same has been completed, such is the limited capacity of that institution, that it is impossible to retain with safety, or employ with profit, more than three hundred and fifty convicts. The number which will be confined there by the first of January, 1859, will, in all probability, amount to five hundred. You will, therefore, see the absolute necessity of either greatly enlarging the existing prison or of erecting an additional one in some other part of the State. In view of the prison being located upon the southern boundary of the State, thereby causing a heavy expense in transporting the convicts from the various counties, and believing that a portion of the labor of the inmates could be more profitably employed in some other locality, and relying upon the advice and opinion of those most experienced in managing such institutions, that three hundred to three hundred and fifty convicts are as many as should be confined in one locality, I accordingly join with the Directors and Warden of the Prison in recommending to you that a law be passed at an early day, providing for the erection of another State Prison, and

that the same be located somewhere in the northern portion of the State. Little can be done towards the erection of said prison until the spring of 1859. If it should be regarded by you as desirable to use the labor of a portion of the convicts in the erection of said prison, one hundred and fifty to two hundred of them could be employed for that purpose. If you should decide to pass such a law, provision should be made for the purchasing of more land for the use of the new than belongs to the State adjoining the present prison. There are generally confined in the prison many who could be profitably employed in raising necessaries for the support of the institution.

I have thus briefly called to your attention those interests of the State which demand, in my opinion, your immediate action. I have done thus in the hope that a few days only of your time will be required, deferring to make any other recommendation until you assemble at the regular session, which will be on the 6th day of January, 1859. In conclusion, I hope that harmony may prevail in your councils, and that wisdom and patriotism may guide your actions.

ASHBEL P. WILLARD.

The Senate then retired to their Chamber.

The Speaker laid before the House the message of the Governor.

On motion by Mr. Boyd,

Resolved, That the Governor's Message and accompanying documents be referred to a committee of the whole, and made the especial order of the day on Monday next, at 2 o'clock.

Mr. Edwards offered the following resolution:

Resolved, That it is hereby declared, that this House is unalterably opposed to purchasing the Wabash and Erie Canal by the State.

Mr. Gifford moved to amend by adding "nor receive it as a gift."

Mr. Edwards moved to amend the amendment by adding "unless the State be paid for receiving it as a gift."

The question being on the adoption of the amendment to the amendment.

The ayes and noes were demanded by Messrs. Clements and Murray.

Those who voted in the affirmative were,

Messrs. Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavens, Claypool, Clayton, Clements, Colgrove, Collier,

Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Harney, Hartley, Hunter, Jeffries, Johnston, Jones, Jordon, Keefer, Kelly, Kempf, Lewis, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Row, Rynerson, Sherman, Shockley, Shull, Smith of Miami, Standfield, Stiles, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treacway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Woods and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Austin, Blythe, Durham, Edwards, Gregory, Knowlton, Lawhead, Miller, Nebeker of Vermillion, Parrett, Power, Ritter, Robinson, Scott, Shields, Tebbs and Wildman—17.

So the amendment to the amendment was agreed to.

Mr. Thompson of Madison, moved to reconsider the vote just taken on the adoption of the amendment to the amendment.

Mr. Murray moved to lay the motion to reconsider on the table.

The ayes and noes were demanded by Messrs. Dobbins and Blythe.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Davis, Dougherty, Devol, Early, Firestone, Fordyce, Griffin, Hamilton of Boone, Harney, Harrison, Hunter, Jordon, Keefer, Knowlton, McLain, Major, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Parrett, Prosser, Ritter, Row, Rynerson, Sherman, Shockley, Snyder, Stanfield, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Turpie, Wheeler, Whetzel and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Austin, Baird, Blythe, Branham, Clark, Clements, Colgrove, Comstock, Cotton, Davisson, Dobbins, Durham, Eastham, Edwards, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Jeffries, Johnston, Jones, Kelly, Kempf, Lawhead, Lewis, Mansfield, Massey, Merrifield, Miller, Nelson, Power, Robinson, Scott, Shields, Shull, Smith of Miami, Smith of Perry, Stinson, Summers, Thompson of Madison, Treadway, Usrey, Waterman, Whiteman, Wildman and Woods—49.

So the motion to reconsider was laid on the table.

Mr. Snyder moved to amend the resolution as follows:

Strike out all after the word "resolved" and insert "that it would be unwise and inexpedient to take back, upon any terms, the Wabash and Erie Canal, or to reassume in any form the debt to satisfy which, it was transferred to the bondholders."

The ayes and noes were demanded by Messrs. Blythe and Miller.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Claypool, Clayton, Clements Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Johnston, Jones, Jordon, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Woods and Mr. Speaker—99.

No person voting in the negative.

So the amendment to the resolution was agreed to.

The resolution, as amended, was then agreed to.

Mr. Turpie offered the following resolution:

Resolved, That 3,000 copies of the Governor's message be printed in English, and 1,000 in German for the use of the House.

Mr. Austin moved to amend the resolution as follows:

Strike out "3,000" and "1,000" and insert "1,000 in English, and 500 in German."

The question being taken on the original resolution, (it containing the largest numbers,)

The ayes and noes were demanded by Messrs. Ritter and Austin.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Boyd, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Davis, Dobbins, Dougherty,

Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Miller, Nelson, Newton, Parrott, Power, Row, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Wheeler, Whiteman, Wildman, Woods and Mr. Speaker—59.

Those who voted in the negative were,

Messrs. Austin, Baird, Boxley, Branham, Cavins, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Kelly, Mansfield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson. Rynerson, Sherman, Smith of Miami, Thompson of Elkhart, Treadway, Waterman and Whetzel—40.

So the resolution was agreed to.

Mr. Cotton offered the following resolution:

Resolved, That this body has heard with profound sorrow, of the sudden decease of General Robert Hanna, one of the oldest and most respectable citizens of the State, a member of the convention which formed the first constitution of Indiana, once a Senator of the United States for Indiana, and who has held other important public trusts under the State, always to her honor and advantage.

Resolved, That as a testimonial of respect for the memory of the deceased, this body will now adjourn.

Resolved, That a copy of these resolutions be transmitted to the family of the deceased.

Whereupon the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'CLOCK, }
November 23, 1858. }

House met.

The Clerk proceeded to read the journal with the exception of the Governor's message,

Which,

On motion by Mr. Hunter,
Was dispensed with.

Mr. Murray offered the following resolution:

Resolved, That this House deems it impracticable and inexpedient to levy a tax for the year 1858. Also the enlargement of the present State Prison, or the construction of a new one, as recommended by the Governor.

Mr. Edwards moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Murray and Davis.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Keefer, Kelley, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrott, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whitzell, Whiteman and Wood—88.

Those who voted in the negative were,

Messrs. Austin, Davis, Murray, Wildman and Mr. Speaker—5.

So the resolution was laid on the table.

A message from his Excellency, the Governor, by Mr. Osbourne, Executive Messenger.

EXECUTIVE DEPARTMENT, INDIANA, }
INDIANAPOLIS, Nov. 23, 1858.

To the House of Representatives of the State of Indiana:

GENTLEMEN:

Samuel Osbourne, Esq., is authorized to make executive communications from the undersigned to your branch of the General Assembly, during the present session.

ASHBEL P. WILLARD.

On motion by Mr. Branham,

Resolved, That the Doorkeeper of this House be authorized to employ one additional assistant, to take charge of the stationery room.

The Speaker laid before the House the following communication and accompanying documents, from his Excellency, the Governor:

To the House of Representatives of Indiana:

I present to you the reports of the Auditor, Secretary and Treasurer of State, for the year 1857.

ASHBEL P. WILLARD.

Mr. Lewis offered the following resolution:

Resolved, That this House, with the concurrence of the Senate, fix on the first day of December, as the day of the final adjournment of this session of the General Assembly, or on an earlier day if the business be completed.

Mr. Colgrove moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Dougherty and Lewis.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Boyd, Boxley, Branham, Brother-ton, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Jeffries, Jones, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Power,

Prosser, Rynerson, Scott, Sherman, Shockly, Smith of Miami, Stanley, Thompson of Elkhart, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—51

Those who voted in the negative were,

Messrs. Blythe, Bowman, Carr, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Firestone, Fordyce, Gifford, Hamilton of Boone, Harney, Hunter, Johnston, Jordon, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Massey, Martin, Nelson, Newton, Parks, Parrett, Row, Shields, Shull, Smith of Perry, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Waterman and Woods—44.

So the resolution was laid on the table.

On motion,

Mr. Snyder was excused from voting on the foregoing proposition.

Mr. Dobbins offered the following resolution:

Resolved, That five hundred copies of the documents accompanying the Governor's message, be printed for the use of the members.

Which was not agreed to.

On motion by Mr. Austin,

Resolved, That the Doorkeepers be directed to lay on the table of each member, one copy of the reports of the different departments of State, at as early a period as possible.

Mr. Hamilton, of Boone, offered the following resolution:

Resolved, That the Committee on the Affairs of the State Prison, be directed to visit, examine, and particularly enquire into the situation and condition of the State Penitentiary, at Jeffersonville, and report fully to this House at an early day, at its regular session, the propriety and expediency of extending, improving and enlarging the same, in what manner and to what extent the same can be so extended, improved and enlarged, and the probable cost and expense thereof.

Which was not agreed to.

On motion by Mr. Branham,

Resolved, That there be a committee of three appointed by the Speaker of the House, to be designated the committee on stationery, whose duty it shall be to direct all purchases for this House

and its proper distribution to the members, and that no one be allowed to make purchases without their order, and that in every case a bill shall accompany the article and be approved by said committee, and be placed on file for the inspection of the members of this House.

On motion by Mr. Merrifield,
The following resolution was taken from the table:

Resolved, That the Doorkeeper be required to purchase, for the use of the House, two dollars worth of postage stamps for each member, and deliver the same to the members.

Mr. Scott moved to amend the resolution by striking out "two dollars" and inserting "one dollar."

Mr. Power moved to amend the amendment by inserting "three dollars" instead of "one dollar."

On motion by Mr. Dougherty,
The resolution and pending amendment were referred to the select committee on stationery.

Messrs. Branham, Hunter and Turpie were appointed said committee on stationery by the Speaker.

Mr. Waterman offered the following resolution:

Resolved, That the committee on the sinking fund be directed to enquire into the condition of the sinking fund, and report as to whether any legislation is necessary at this session for the security of the same.

Which was not agreed to.

On motion by Mr. Boyd,
The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met.

By unanimous consent,
Mr. Devol obtained leave and introduced

No. 1. A joint resolution in relation to the subjects of legislation at the present session of the General Assembly.

Which was read a first time and passed to a second reading.

On motion by Mr. Edwards,
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
November 24th, 1858. }

The House met.

The Journal was read and approved.

A Message from the Senate, by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have concurred in the resolution of the House appointing a joint committee to "revise and agree upon joint rules of both Houses,"

And have appointed Senators Tarkington, Cravens and Line said committee on part of the Senate.

BILLS INTRODUCED.

Mr. Lawhead obtained leave and introduced

House Bill No. 1. A bill to provide for the payment of the January installment of interest on the State debt,

Which was read a first time and passed to a second reading.

Mr. Boyd obtained leave and introduced

House Bill No. 2. A bill to raise revenue for State purposes for the year 1858,

Which was read a first time and passed to a second reading.

Mr. Dobbins obtained leave and introduced

House Bill No. 3. A bill for the appraisement of the real estate

in the State of Indiana, and to make such appraisement uniform throughout the State,

Which was read a first time and passed to a second reading

Mr. Boyd moved to suspend the rules and read the bill a second time now.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Keeler, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Merrifield, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Snyder, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Woods—51.

Those who voted in the negative were,

Messrs. Austin, Baird, Devol, Harney, Harrison, Mellett, Miller, Murray, Martin, Parks, Stanfield, Stiles, Thompson of Elkhart, and Wildman—14.

So the rules were suspended, and the bill read a second time by its title.

Mr. Boyd moved to lay the bill on the table and print one hundred copies for the use of the House.

Mr. Colgrove called for a division of the question.

The question being first on laying the bill on the table,
It was agreed to.

The question then recurring on printing "one hundred copies for the use of the House,"

On motion by Mr. Murray,

The proposition was laid on the table.

On motion by Mr. Ritter,

Resolved, That the doorkeeper be directed to procure and lay on the desk of each member one copy of the Acts of 1853 and 1855.

On motion by Mr. Branham,

Resolved, That the Committee on Apportionment consist of eleven.

Mr. Merrifield obtained leave and introduced

House Bill No. 4. An Act to amend the four hundred and forty-fifth section of an Act entitled "An Act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity;" approved June 18th, 1852:

Which was read a first time and passed to a second reading.

Mr. Colgrove obtained leave and introduced

House Bill No. 5. A bill to amend the sixth section, and to repeal the seventh clause of the seventh section of an Act entitled "An Act regulating the granting of divorces, nulification of marriages, and decrees and orders of court incident thereto;" approved May 13th, 1852:

Which was read a first time and passed to a second reading.

On motion by Mr. Lewis,

Resolved, That this House take into consideration the propriety of erecting houses of refuge for juvenile offenders, as a substitute for a new addition to the present State prison, to be determined at the regular session of the General Assembly.

The Speaker announced the following standing committees and order of business.

HOUSE COMMITTEES.

On Elections.

Messrs. Murray, Hamilton of Boone, Hendricks, Harrison, Power, Dobbins, Wood and Jordan.

On the Judiciary.

Messrs. Colgrove, Blythe, Mellest, Turpie, Baird, Davis and Stiles.

On Ways and Means.

Messrs. Brauham, Hunter, Smith of Perry, Shields, Wildman, Major and Austin.

On Banks.

Messrs. Mellett, Bowman, Scott, McLain, Robinson, Shields and Smith of Miami.

On Education.

Messrs. Blythe, Mansfield, Boyd, Parks, Hamilton of Wayne, Dougherty and Major.

On the Organization of Courts of Justice.

Messrs. Stanfield, Powers, Brotherton, Griffin, Dobbins, Cavins and Jordan.

On the Affairs of State Prison.

Messrs. Hunter, Carr, Murray, Shields, Ritter, Prosser and For-dyce.

On Swamp Lands.

Messrs. Hamilton of Boone, Hendricks, Knowlton, Colgrove, Lawhead, Comstock, Sullivan and Jeffries.

On Claims.

Messrs. Wildman, Martin, Boxley, Collier, Black, Hartley and Cavins.

On Trust Funds.

Messrs. Smith of Miami, Rynerson, Boyd, Martin, Gifford, Kempf and Stanley.

On Military Affairs.

Messrs. Clements, Whetzel, Nebeker of Vermillion, Hall of Grant, Claypool and Prosser.

On Fees and Salaries.

Messrs. Scott, Robinson, Powers, Hall of Rush, Dougherty, Turpie and Snyder.

On Sinking Fund.

Messrs. Robinson, Branham, Colgrove, Edwards, Early, Bowman and Hall of Rush.

On Rights and Privileges.

Messrs. ^RParks, ^RBrotherton, ^RNebeker of Warren, ^RGriffin, ^DNelson, Massey and Merrifield.

On Roads.

Messrs. Comstock, Powers, Hall of Grant, Devol, Early, Sullivan and Usrey.

On Manufactures and Commerce.

Messrs. Smith of Perry, Gregory, Devol, Thompson of Elkhart and Whiteman.

On County and Township Business.

Messrs. Harrison, Parks, Miller, Cotton, Jones and Keefer.

On Agriculture.

Messrs. Rynearson, Treadway, Davisson, Boxley, Wheeler, Kelly and Tebbs.

On Benevolent Institutions.

Messrs. Edwards, Baird, Branham, Hunter, Rynearson, Turpie and Smith of Perry.

On Temperance.

Messrs. Austin, Nebeker of Warren, Parrett, Dobbins, Shockley, Shull and Thompson of Elkhart.

On Affairs of the Town of Indianapolis.

Messrs. Cotton, Summers, Johnson, Clark, Devol, Keefer and Waterman.

On Accounts and Mileage.

Messrs. Nebeker of Warren, Hall of Grant, Wildman, Cavins, Sullivan, Carr and Thompson of Madison.

On Enrolled Bills.

Messrs. Brotherton, Gregory, Cotton, Griffin, Usrey, Shull and Newton.

On Engrossed Bills.

Messrs. Jeffries, Ritter, Sherman, Stiles, Gifford, Hartley and Sullivan.

On Canals.

Messrs. Miller, Comstock, Devol, Fordyce, Gifford, Harney and Thompson of Madison.

On Public Expenditures.

Messrs. Turpie, Ritter, Fordyce, Mansfield, Sherman, Shields and Row.

On Corporations.

Messrs. Davis, Baird, Harrison, Brotherton, Hamilton of Boone, Hendricks, Harney, Lawhead and Prosser.

On Apportionments.

Messrs. Boyd, Scott, Murray, Clark, Jeffries, Martin, Clayton, Eastham, Hancock, Lewis and Row.

ORDER OF BUSINESS.

- I. Reading of the Journal.
- II. Petitions, memorials and remonstrances.
- III. Reports from standing committees.

- 1 On Elections.
- 2 On Ways and Means.
- 3 On Judiciary.
- 4 On Education.
- 5 On Military Affairs.
- 6 On the Affairs of the State Prison.
- 7 On the Affairs of the town of Indianapolis.
- 8 On Claims.
- 9 On Roads.
- 10 On Canals and Internal Improvements.
- 11 On Agriculture.
- 12 On Corporations.

- 13 On Banks.
- 14 On Public Expenditures.
- 15 On Benevolent and Scientific Institutions.
- 16 On Manufactures and Commerce.
- 17 On the Rights and Privileges of the Inhabitants of this State.
- 18 On the Organization of Courts of Justice.
- 19 On Swamp Lands.

IV. Reports from Joint Standing Committees.

- 1 On Public Buildings.
- 2 On Canal Fund.
- 3 On State Library.

V. Reports from Select Committees.

VI. Resolutions of the House.

VII. Joint Resolutions.

VIII. Introduction of Bills.

IX. Orders of the day.

On motion,

Mr. Davis was excused from serving on the committee on corporations.

On motion by Mr. Cotton,

The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived the House resolved itself into committee of the whole on the Governor's message.

Mr. Edwards in the chair.

And after spending some time in consideration thereof, the committee arose and submitted the following report, through their chairman :

MR. SPEAKER :

The committee of the whole House, to whom was referred the message of His Excellency, the Governor, have considered the same and adopted the accompanying resolutions relative to the several subjects, recommended them, in which the House is asked to concur, and to discharge the committee.

Resolved, That that portion of the Governor's message which relates to the increase of crime in the State and the consequent insufficiency of the Penitentiary, in point of capacity, to confine the increased numbers of convicts, which His Excellency predicts will be sent thither by the first day of January, 1859, and the necessity arising therefrom, for the enlargement of the old, or the erection of a new State prison, be referred to the committee on the affairs of the State prison, and that said committee be instructed to enquire into the causes of such alarming increase of crime in the State, and the best means for the prevention of the further increase thereof. And further that they report the result of such enquiry to the House at as early a day as practicable.

Resolved, That so much of the Governor's message as refers to the appraisement of real property in the State of Indiana, be referred to the committee of ways and means.

Resolved, That so much of the Governor's message as relates to the levying a tax for the year 1858, be referred to the committee of ways and means.

Resolved, That so much of the Governor's message as relates to the support of the benevolent institutions be referred to the committee on benevolent institutions.

Which report was agreed to as a whole.

Mr. Hunter, from the select committee on stationery, made the following report:

MR. SPEAKER :

The committee on stationery have directed me to make report, that they have made ample arrangements for the supplying of each member with all the necessary articles included under the head of stationery. And in order to correct former abuses upon the subject, have made the following arrangements :

1st. They require the clerk of the stationery room to purchase all of his paper, ink, pens and envelopes from the Secretary of State, and at each purchase to receipt to the Secretary for the same, a copy of which receipt is to be filed with this committee upon the day of purchase by said clerk,

2d. That the clerk of the stationery room, in distributing said articles among the members of this House, is to open an account with each member, and charge him with all articles furnished him.

3d. That the clerk of said stationery room shall not permit any person, except members of this House, to receive stationery therefrom.

4th. That there may be a check upon the said clerk of the stationery room, and prevent abuse on his part, it is respectfully requested that each member keep an account of all articles delivered to him.

Which report was concurred in.

Mr. Hunter, from a select committee, made the following report:

MR. SPEAKER :

The committee on stationery, to whom was referred the subject of the purchase of Stamps, have had the same under advisement and directed me to report, that in their opinion it is inexpedient for this house to purchase postage stamps for the use of members, and ask to be discharged from the further consideration thereof.

Which report was not concurred in.

Mr. Thompson of Elkhart, offered the following resolution:

Resolved, That the clerk of the Stationery room is authorized to purchase twenty dollars worth of one cent postage stamps, for the use of the members of this house, which are to be retained in his possession, and placed upon such papers, or documents as may be handed to him for such purpose, by the members of this house.

Mr. Shall moved to lay the resolution on the table.

The ayes and noes were demanded by Messrs. Whiteman and Murray.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gregory, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jeffries, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynearson, Scott, Sherman, Shields, Shockley,

Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usry, Waterman, Wheeler, Whetzel, Woods and Mr. Speaker—92.

Those who voted in the negative were,

Messrs. Hunter, Murray, Thompson of Elkhart and Wildman—4.

So the resolution was laid on the table.

The Speaker announced the following

JOINT COMMITTEES.

On Public Buildings.

Messrs. Austin, Hall of Grant and Lawhead.

On Canal Funds.

Messrs. Sherman, Comstock and Stinson.

On the State Library.

Messrs. Ritter, Smith of Perry, and Hamilton of Wayne.

The Speaker announced Mr. Baird as chairman of the committee on corporations.

Mr. Hartley was also added to said committee.

Mr. Keefer offered the following resolution:

Resolved. That the Doorkeeper be instructed to furnish each member with three dollars worth of postage stamps.

The question being on its adoption,

The ayes and noes were demanded by Messrs. Ritter and Murray.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Bowman, Boyd, Carr, Colgrove, Comstock, Davisson, Dobbins, Durham, Early, Firestone, Griffin, Hamilton of Wayne, Hancock, Harney, Hartley, Jeffries, Jones, Keefer, Kelly, Kempf, Lewis, McLain, Mansfield, Massey, Merrifield, Nebeker of Warren, Newton, Parrett, Power, Prosser, Scott, Sherman, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Usrey, Whiteman and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Collier, Cotton, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Harrison, Hunter, Johnston, Jordan, Knowlton, Lawhead, Major, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Parks, Ritter, Robinson, Rowe, Rynearson, Shields, Shockley, Smith of Miami, Stiles, Tebbs, Thompson of Elkhart, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman and Woods—19.

So the resolution was not agreed to.

Mr. Austin offered the following resolution:

Resolved, That the pretended election of Jesse D. Bright and Graham N. Fitch, to the Senate of the United States by a portion of the members of the General Assembly of the State of Indiana, during the session of 1857, was illegal, unconstitutional and void, and that the State of Indiana is not at this time legally or constitutionally represented in the Senate of the United States.

Mr. Dobbins moved to indefinitely postpone the resolution.

Mr. Scott moved to lay the motion on the table.

Mr. Whiteman moved the House adjourn.

Which was not agreed to.

On motion by Mr. Murray,

A call of the House was ordered.

The Clerk proceeded with the call, when the following members were present and answered to their names.

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davison, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hancock, Harrison, Hartley, Hunter, Jeffries, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rowe, Rynearson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—

On motion by Mr. Murray,
The House adjourned until Friday morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
November 26, 1858. }

The House met.

The journal was read and approved.

Mr. Stanfield was excused from serving on the committee on organization of courts of justice.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Merrifield,
A petition in relation to retailing spirituous liquors.
Which,

On motion by Mr. Scott,
Was referred to the committee on temperance.

Mr. Clements was excused from serving on the committee on military affairs.

Mr. Blythe was excused from serving on the committees on education and the judiciary.

Mr. Dobbins was excused from serving on the committees on temperance and the organization of courts of justice.

Mr. Parrett was excused from serving on the committee on temperance.

Mr. Woods was excused from serving on the committee on elections.

Mr. Shull was excused from serving on the committee on temperance.

Mr. Prosser was excused from serving on the committee on military affairs.

Mr. Power was excused from serving on the committee on roads.

Mr. Davis was excused from serving on the committee on the judiciary.

Mr. Sullivan was excused from serving on the committees on engrossed bills and roads.

Mr. Thompson of Madison, was excused from serving on the committee on canals.

On motion by Mr. Treadway,

Resolved, That the Doorkeeper lay upon the desk of each member of this House, one copy of the last report of the State Board of Agriculture.

Mr. Dougherty offered the following resolution:

Resolved, That it is the deliberate judgment of this House that all elections and all subjects of general legislation should be deferred until the next regular session, and that after the special questions for which this session was called shall have been considered and acted upon, this House will, with the concurrence of the Senate, immediately adjourn.

Mr. Scott moved to lay the resolution on the table.

Messrs. Dougherty and Dobbins called for the ayes and nays.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boxley, Branham, Brotheron, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryncarson, Scott, Sherman, Smith of Miami, Standfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Boyd, Barr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devel, Early, Eastham, Firestone, Fordyce, Gregory, Hamilton of Boone, Hancock, Harney, Hartley, Jordon, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—51.

So the motion to lay on the table was not agreed to.

Mr. Murray moved to indefinitely postpone the resolution.

Messrs. Scott and Nebeker of Warren, called for the ayes and nays.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davison, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hamilton of Boone, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryneerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Boyd, Carr, Claypool, Clayton, Clement, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordon, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shall, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—48.

So the resolution was indefinitely postponed.

On motion by Mr. Branham,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Merrifield,
Mr. Stanfield was granted leave of absence until Monday next.

On motion by Mr. Dougherty,

Resolved, That two hundred copies of the list of standing com-

mittees, and also of the order of business, be printed for the use of the House.

Mr. Shull offered the following resolution :

Resolved, That the Doorkeeper be authorized to purchase, for the use of each member of this House, two dollars worth of postage stamps, two-thirds of which shall be one cent stamps, to be delivered at the desks of each member.

Mr. Keefer moved to amend by making them all one cent stamps, Which did not prevail.

Messrs. Murray and Hamilton of Boone, called for the ayes and nays.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Bowman, Boyd, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Collier, Davisson, Dobbins, Durham, Early, Eastham, Firestone, Griffin, Hall of Rush, Hancock, Harney, Harrison, Hartley, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, Massey, Miller, Newton, Scott, Sherman, Shockley, Shull, Snyder, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Blythe, Boxley, Branham, Cavins, Colgrove, Cotton, Davis, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hunter, Jeffries, Jordon, McLain, Major, Mansfield, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rynearson, Shields, Stanley, Stanfield, Sullivan, Thompson of Madison, Treadway, Turpie, Waterman and Woods—44.

So the resolution was agreed to.

On motion by Mr. Murray,

Resolved, That the Doorkeeper be instructed to ascertain the amount chargeable for postage on all the matter printed by this House, and post the same up in some conspicuous place in the stationery room.

On motion by Mr. Colgrove.

Resolved, That there be two members added to the Judiciary committee.

On motion by Mr. Murray,

Resolved, That the Doorkeeper be authorized to have the three copies of the two German papers, subscribed for on the part of the House, enveloped and stamped by the publishers thereof.

Mr. Nebeker of Warren, offered the following preamble and resolution:

WHEREAS, article eight, section three, of the constitution of the State of Indiana, provides that the school funds may be increased, but shall not be diminished; AND WHEREAS, In the year 1853. abou. \$500,000 were due the school fund. which indebtedness has since been increased by an amount equal to about \$128,000, showing an aggregate of \$928,000, all of which is shown by the report of the Superintendent of Public Instruction, page 54.

Therefore be it Resolved, That the committee on education be instructed to introduce a bill, at as early a day as convenient, to more effectually secure said fund.

Which was agreed to.

On motion by Mr. Gordon,

Resolved, That the Auditor of State be required to furnish this House immediately, a complete statement showing—

First. What amount of money was audited for such services as are now, by law, devolved upon the Attorney General, during the four years immediately preceding the creation of that office?

Second. To whom was the same allowed, and for what services was it allowed?

Third. What is the amount of money audited for the services of James Morrison, Esq., as Attorney General, during the time he filled that office; and how much was audited and allowed to others for services during the same time, which, according to law, that officer should have rendered?

Fourth. What sums have been audited in favor of the present Attorney General, since his first induction into office?

Fifth. What sums have been audited in favor of others for legal services, devolved by law upon the Attorney General, since his first induction into office; and to whom has the same been allowed, and for what services?

On motion by Mr. Gordon,

Resolved, That the Auditor of State be and he is hereby required to furnish this House, as soon as practicable, full information touching all sums of money audited to Hon. Joseph A. Wright, as Governor of the State of Indiana, from the first day of November, in the year 1851, till the expiration of his final term of office, including—

First. All moneys audited to him on account of salary.

Second. All moneys audited to him for services connected with swamp lands, whether in the sale and conveyance thereof, or otherwise.

Third. All moneys audited on account of Governor's house, and the furnishing of the same.

Fourth. All moneys audited on account of gardener and other servants' hire.

Fifth. All other moneys audited to him on every other account whatever; and further that he furnish a similar statement of all sums of money audited on the same account, and for like services, during the administration of his excellency, the present Governor, up till the present time.

On motion by Mr. Gordon,

Resolved, That the Auditor of State be required to furnish this House forthwith, full information of all sums audited in favor of John B. Dillon, as State Librarian, during the term for which he held that office; and all other sums audited in favor of other persons for assistance in the duties of that office, during the same period, including accounts of all persons for superintending State House, and the grounds upon which the same stands.

Second. And a like statement of sums audited for like services during the period the office was occupied by Nathaniel Bolton, Esq.

Third. And a like statement of all sums audited for similar services during the period the duties of that office were discharged by Gordon Tanner, Esq.

Fourth. And a like statement of all sums for similar services during the time the duties of that office have been discharged by the present incumbent.

Fifth. That in all cases the accounts hereby required to be furnished, set forth specifically, to whom and for what particular services such sums have been allowed and audited.

On motion by Mr. Gordon,

Resolved, That the Auditor of State be required to furnish this House, at his earliest possible convenience, a full and complete statement of all accounts audited in favor of the present incumbent of the Supreme Court Clerk's office, from the day of his first

induction into office, until the present time, and that in such statement be set forth the items of said accounts.

On motion by Mr. Gordon,

Resolved, That the committee on the Judiciary be instructed to inquire into the constitutionality of all that portion of chapter 59, of the Acts of the General Assembly for the year 1857, subsequent to the first section thereof, and that they make report upon the same to this House, as soon as possible.

On motion by Mr. Murray,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill, fixing penalties for the disbursement of the public funds without law.

On motion by Mr. Sullivan,

Resolved, That the Doorkeeper be, and is hereby instructed, to obtain one copy of the report of the committee on bank frauds of this State, for each member of this House, and lay the same upon their respective desks.

Mr. Boyd offered the following resolution :

Resolved, That in the opinion of this House, our present judiciary system is both insufficient and expensive, and in our opinion ought to be so changed as to dispense with the court of Common Pleas, and allow the Circuit Courts to convene three times a year, and that this resolution be referred to the committee on the judiciary with instructions to make the said change, and report by bill or otherwise.

Mr. Mellett moved to amend by referring the resolution to the committee on the organization of courts of justice.

Which was not agreed to.

The question then being on the adoption of the resolution, It was agreed to.

On motion by Mr. Clements,

Resolved, That three persons be appointed by the Speaker to examine this Hall and report what repairs or change is necessary for the health and comfort of the members of this House.

Messrs. Clements, Sullivan and Hamilton of Wayne, were appointed said committee.

On motion by Mr. Hunter,

Resolved, That the committee on the judiciary be instructed to examine the laws as they exist, and see if there is any law authorizing compensation to Members of the Legislature for their services.

On motion by Mr. Dobbins,

Resolved, That the Auditor of State be requested to report to this House, at as early a period as possible, the accounts for services audited in his office against the former Auditor of State (his immediate predecessor). And also a similar report in reference to the accounts against the present incumbent.

Mr. Colgrove offered the following resolution :

Resolved, That the Doorkeeper be instructed to furnish, for the use of the judiciary room, one coal bucket, one water bucket, half dozen glass tumblers, half dozen chairs, two large inkstands, one dozen penholders, half gross pens, half ream of legal paper, half ream of foolscap.

Which was not agreed to.

Mr. Shull offered the following resolution .

Resolved, That the committee of ways and means enquire into the expediency of amending the interest law of this State so as to allow any rate of interest, under special contract, not exceeding twelve dollars on the hundred.

Which was not agreed to.

The following resolution, introduced on Wednesday by Mr. Austin, and which was pending at the adjournment of the House, was then taken up, viz :

Resolved, That the pretended election of Jesse D. Bright and Graham N. Fitch to the Senate of the United States, by a portion of the Members of the General Assembly of the State of Indiana, during the session of 1857, was illegal, unconstitutional and void ; and that the State of Indiana is not, at this time, legally or constitutionally represented in the Senate of the United States.

Mr. Murray moved to lay the motion to indefinitely postpone on the table.

Mr. Dobbins, by leave of the House, withdrew his motion to indefinitely postpone.

Mr. Edwards moved to commit to a select committee of three, with the following instructions :

Enquire whether Messrs. Jesse D. Bright and Graham N. Fitch were elected to the Senate of the United States, pursuant to the Constitution of the United States and the Constitution and Laws of the State of Indiana; and, if they were not, to report what course the General Assembly of the State of Indiana shall pursue in relation thereto.

Messrs. Boyd and Prosser demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Johnston, Mansfield, Mellest, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Stiles, Thompson of Elkhart, Treadway, Wetzel, Whiteman, Wildman and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Austin, Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Gifford, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Jones, Jordon, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Snllivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood.—54.

So the motion to refer did not prevail.

Mr. Blythe offered the following amendment:

Strike out all after the resolving clause and insert the following: "That in the judgment of this House the election of the Hon. Graham N. Fitch and the Hon. Jesse D. Bright to the Senate of the United States by the General Assembly of this State, at its session in the year 1857, was improper and irregular, and that the course of these gentlemen in demanding and receiving seats in the Senate, by virtue of such election, is worthy of censure."

Resolved further, That it is to be deeply regretted that the Senate of the United States, by its resolution of the 12th of June, 1858, which reads as follows :

"*Resolved,* That Graham N. Fitch and Jesse D. Bright, Senators returned and admitted from the State of Indiana, are entitled to

the seats which they now hold in the Senate as such Senators aforesaid—the former until the 4th of March, 1861, and the latter until the 4th of March, 1863, according to the tenor of their respective credentials,” has pronounced a final judgment, which precludes this General Assembly from making further enquiry into the tenure by which seats are now held in the Senate aforesaid, by the said Graham N. Fitch and Jesse D. Bright.

Messrs. Davis and Blythe demanded the ayes and noes.

Mr. Dobbins moved that the House do now adjourn,
Which was not agreed to.

The question recurring on the amendment offered by Mr. Blythe.

Those who voted in the affirmative were,

Messrs. Blythe, Boyd, Clayton, Davis, Harney, Lawhead, Major, Row and Sherman—9.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Colgrove, Collier, Cotton, Comstock, Davisson, Dobbins, Dugherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jeffries, Johnston, Jones, Jordon, Keefer, Kelly, Kempf, Lewis, McLain, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Woods and Mr. Speaker.—84.

So the amendment was not agreed to.

Mr. Turpie was present when his name was called but refused to record his vote.

Mr. Murray called for the previous question, which was seconded.

Mr. Dobbins demanded a call of the House, which the Speaker decided to be out of order.

Mr. Dobbins appealed from the decision of the Chair.

Mr. Murray moved to lay the appeal on the table,
Which motion was agreed to.

The question then being shall the main question be now put?

Messrs. Dobbins and Lawhead demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker.—53.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Snull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods.—42.

So the main question was ordered.

The question then being on the adoption of the resolution.

Messrs. Murray and Austin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Stanfield, Stiles, Thompson of Elkhart, Treadway, Wetzels, Whiteman, Wildman and Mr. Speaker.—51.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Merrifield, Nelson,

Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—45.

So the resolution was agreed to.

On motion by Mr. Colgrove,
The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
November 27, 1858. }

The House met.

The journal was read, corrected and approved.

On motion by Mr. Edwards,
Mr. Baird was excused from serving as chairman of the committee on corporations.

The Speaker announced the following appointments:

Mr. Powers to place on the committee on military affairs, vacated by Mr. Clements, and Mr. Hartley to that on same committee vacated by Mr. Prosser.

Mr. Mansfield to place on the committee on education, vacated by Mr. Blythe.

Mr. Harney to the place on the committee on elections, vacated by Mr. Woods.

Mr. Mansfield to that place on temperance committee, vacated by Mr. Parrett; Mr. Durham to place on same committee, vacated by Mr. Dobbins. and Mr. Boxley to place on the same committee vacated by Mr. Shull.

Messrs. Scott and Parrett, members of the committee of the judiciary—the former in the place of Mr. Blythe, who has been upon his own request excused from serving thereon; and the latter to the place of Mr. Davis, who has been, upon his own request, excused from serving on the same; and Messrs. Clements and Griffin to serve on the same committee under the resolution of Mr. Robinson, requiring two additional members of said committee.

Mr. Baird to the place on the committee on the organization of

courts, vacated by the declination of Mr. Stanfield, who, by his own request, has been excused from acting in that position; and Mr. Robinson to the place on the same committee, vacated by Mr. Dobbins, who declines serving on that committee.

Mr. Treadway to place on the committee on roads, vacated by Mr. Power, and Mr. Durham to place on same committee, vacated by Mr. Sullivan.

Mr. Stiles to the place on the committee on corporations, vacated by Mr. Baird.

Mr. Devol to the place on the committee on canals, vacated by Mr. Thompson, of Madison.

Mr. Hall, of Rush, to the place on the committee on engrossed bills, vacated by Mr. Sullivan.

Messrs. Merrifield and Nelson were excused from serving on the committee on rights and privileges.

The Speaker then appointed Messrs. Row and Tebbs to fill said vacancies.

On motion by Mr. Branham,

Resolved, That when this House adjourn it be until two o'clock, Monday, and that hereafter all adjournments made on Saturday shall be at eleven o'clock, A. M., to meet on the next Monday at two o'clock, P. M.

Mr. Treadway offered the following resolution:

Resolved, That no member shall speak more than ten minutes at one time to the same question without leave of the House.

Mr. Murray moved to amend by inserting "fifteen (15) minutes."

Mr. Power moved to amend the amendment by inserting "twenty (20) minutes" instead of "fifteen."

Mr. Turpie moved to lay the resolution and amendments on the table,

Which was agreed to.

On motion by Mr. Turpie,

Resolved, That Messrs. Snyder and Merrifield be added to the committee on swamp lands.

On motion by Mr. Row,

Resolved, That the Doorkeeper is hereby directed to lay upon the table of each member of the House, such number as they are entitled to of the catalogues and reports of the trustees of the Indiana University, for the academical years of 1857 and 1858.

Mr. Parret offered the following preamble and resolution, viz:

WHEREAS, by the Constitution of the United States, each House of Congress is the judge of the election and qualification of its own members. **AND WHEREAS**, the Senate of the United States did, on the 12th day of June, 1858, declare and adjudge that Graham N. Fitch and Jesse D. Bright, Senators returned and admitted from the State of Indiana, were entitled to the seats which they now hold as such Senators as aforesaid—the former until the 4th of March, 1861, and the latter until the 4th of March, 1863, according to the tenor of their respective credentials, therefore,

Resolved, That we recognize said decision of the Senate of the United States as a final adjudication and determination of the right of said Senators to their respective seats as such Senators, and that whatever may be the opinion of members as to the legality or illegality of such elections, we have no power to review, vacate, or declare void, the decision made aforesaid by the Senate of the United States, that we acquiesce in said decision, and that we deem it unwise, inexpedient, unconstitutional and revolutionary for this House to entertain any motion or resolution for the election of United States Senators at the present session.

The Speaker decided the resolution out of order, as embracing the same subject-matter as the resolution of Mr. Austin, passed by the House on yesterday, and being in conflict therewith, and with other votes of this House.

Mr. Parrett appealed from the decision of the chair, as follows, viz:

Appeal of Mr. Parrett.

That whereas it is declared by the Speaker that that the following resolution, to-wit:

WHEREAS, by the Constitution of the United State each, House of Congress is the judge of the election and qualification of its own members. **AND WHEREAS**, the Senate of the United States did on the 12th day of June, 1858, declare and adjudge that Graham N. Fitch and Jesse D. Bright, Senators returned and admitted from the State of Indiana, were entitled to the seats which they now hold as such Senators as aforesaid—the former until the 4th of March, 1861, and the latter until the 4th of March, 1863, according to the tenor of their respective credentials, therefore,

Resolved, That we do recognize said decision of the Senate of the United States as a final adjudication and determination of the right of said Senators to their respective seats as such

Senators aforesaid, and that whatever may be the opinions of the members as to the legality or illegality of said election we have no power to review, vacate, or declare void the decision made aforesaid, by the Senate of the United States, that we acquiesce in such decision, and that we deem it unwise and inexpedient, unconstitutional and revolutionary for this House to entertain any motion or resolution for the election of United States Senators at the present session.

Is not in order, for the reason that the following resolution, involving the same subject-matter, to-wit:

“Resolved, That the pretended election of Jesse D. Bright and Graham N. Fitch to the Senate of the United States, by a portion of the members of the General Assembly of the State of Indiana, during the session of 1857, was illegal, unconstitutional and void, and that the State of Indiana is not, at this time, legally or constitutionally represented in the Senate of the United States.”

Now, therefore, I, Wm. F. Parrett, do appeal to the House from said decision of the Chair.

Mr. Griffin moved to lay the appeal on the table.

Messrs. Jeffries and Parks demanded the ayes and nays.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Snyder, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lewis, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Woods—39.

So the appeal was laid upon the table.

On motion by Mr. Branham,
The House adjourned until Monday afternoon, 2 o'clock.

MONDAY, 2 o'clock, P. M. }
November 29, 1858. }

The House met.

The journal was read and approved.

The Speaker laid before the House the following report and accompanying documents:

OFFICE OF COMMISSIONERS OF SINKING FUND, }
Indianapolis, November 26, 1858. }

HON. JONATHAN W. GORDON,

Speaker of the House of Representatives:

SIR:—Please to lay before the House of Representatives the accompanying report of the Commissioners of the Sinking Fund of the State of Indiana.

I am very respectfully,

E. DUMONT, *President.*

The Speaker laid before the House the following report of the state of the branches at South Bend and Fort Wayne, of the State Bank of Indiana. Also, the report of the state of the Branches at South Bend, Bedford and Fort Wayne of the Bank of the State of Indiana, to-wit:

State of the Branch at South Bend of the State Bank of Indiana, November 20, 1858.

DEBIT.		CREDIT.	
Bills discounted.....	\$17,744 25	Interest.....	\$1,733 08
Suspended debt.....	4 25	Profit and loss.....	1,011 91
		Surplus fund.....	16,935 56
State banking house.....	\$1,841 80	Unclaimed dividends.....	838 75
Other real estate.....	1,400 00	Commissioners of Sinking Fund.....	14,000 00
Current expense.....	31 88	Dividend of surplus fund.....	1,333 40
Protest.....	7 38	City Bank of New York.....	172 63
		Circulation—Fives and upwards.....	\$7,932 50
Branch at Indianapolis.....	1,385 00	Ones, Twos, and Threes.....	12,020 50
Branch at South Bend, Bank of the State of Indiana.....	\$16,455 91		19,953 00
State Bank of Indiana.....	138 00	Individual depositors.....	\$97 71
		Certificates issued.....	134 60
Cash, viz:—Notes of this Branch.....	\$131 00		232 31
Other bank paper.....	79 00	Notes of this Branch in hand—Fives and upwards.....	131 00
Specie—Silver.....	\$2,479 30	Ones, Twos, and Threes.....	51
Gold.....	14,633 87		
	17,113 17		
	<u>\$56,331 64</u>		<u>\$56,331 64</u>

NOTE.—Real estate all sold, but no title given for amount charged above.

H. CHAPIN, Cashier.

State of the Branch at South Bend of the Bank of the State of Indiana, November 20, 1858.

57

DEBIT.		CREDIT.	
Bills of exchange.....	\$205,363 16	Capital stock.....	\$100,000 00
Suspended Debt—Bills of exchange.....	85 00	Surplus fund.....	21,996 55
Banking house of the Branch.....	\$6,000 00	Notes in circulation.....	180,617 00
Banking house of the Bank.....	70 00	Notes on hand.....	19,323 00
Current expense.....	2,312 92	Individual deposits.....	19,405 76
Remittance.....	57 00	Dividends.....	250 00
Protest.....	15 33	Branch at South Bend, State Bank of Indiana.....	16,455 91
Furniture.....	500 00	Discount.....	\$4,833 98
Merchants' Exchange Bank, New York.....		Exchange and premium.....	3,175 06
Winslow, Lanier & Co.....	\$63 92	Interest.....	17 04
Marine Bank, Chicago.....	569 66		7,976 08
Bank of America, New York.....	180 32		
City Bank, New York.....	24,312 25		
George Smith & Co., Chicago.....	14,500 32		
E. G. Burkam & Co.....	41 13		
	4,640 95		
Notes of this Branch.....	44,308 45		
Notes of other Branches.....	\$19,383 00		
Notes of other Banks.....	1,603 00		
Gold and silver.....	9,443 00		
	30,429 00		
	76,944 14		
	<u>\$306,084 50</u>		<u>\$306,084 30</u>

H. CHAPIN, *Cashier.*

State of the Branch at Bedford of the State Bank of Indiana, November 20, 1858.

DEBIT.		CREDIT.	
Bills of exchange.....	\$3,376 18	Surplus fund.....	\$9,994 91
Suspended debt—on Notes.....	\$2,650 00	Branch Bank Notes, viz:	57 00
Suspended debt—on Bills.....	1,110 05	On hand.....	21,624 00
Banking house.....	\$1,000 00	In circulation.....	
State Bank banking house.....	1,238 46		
Protest account.....	\$809 00		
State Bank Branch at Indianapolis.....	4,318 91		
Bank of the State, Branch at New Albany.....	616 65		
Bank of the State, Branch at Bedford.....	5,804 56		
Louisville Savings Institution.....	\$230 44		
Winslow, Lanier & Co., N. Y.....	10,498 17		
Effaced notes.....	\$29 00		
Individual deposits.....	66 98		
Profit and loss.....	5 57		
Cash, viz:—Notes of this Branch.....	\$37 00		
Notes of other Branches.....	52 00		
Gold.....	5,560 00		
Silver.....	69		
	5,669 69		
	<u>\$31,675 91</u>		<u>\$31,675 91</u>

I, RECTOR, *Cashier,*

State of the Branch at Fort Wayne of the State Bank of Indiana, November 20, 1858.

[illegible]

State of the Branch at Fort Wayne of the Bank of the State of Indiana, November 20, 1858.

60

DEBIT.		CREDIT.	
Notes discounted.....	\$8,469 38	Capital stock.....	\$100,000 00
Bills of exchange.....	199,572 83	Surplus fund.....	17,563 30
Suspended debt.....	7,800 00	Notes in circulation.....	\$195,555 00
		Notes on hand.....	2,045 00
	\$215,842 21		197,606 00
Banking house of the Branch.....	\$7,000 00	Individual deposits.....	\$13,972 80
Banking House of the Bank.....	70 00	Certificates of deposit.....	10,598 94
Current expenses.....	1,431 38	Dividends.....	300 00
Remittance.....	500 00	Suspense account.....	580 00
Protests.....	3 85		
Real estate.....	4,150 00	Branch at Lima.....	\$129 00
County orders.....	721 61	Branch at Laporte.....	344 00
		Branch at Indianapolis.....	147 16
Branch at South Bend.....	\$1 19	Branch at Bedford.....	150 00
Branch at Terre Haute.....	1 53		
		Bank of Toledo, Toledo.....	\$264 28
Phoenix Bank, New York.....	\$14,838 08	Ketchum, Berdan & Co., Toledo.....	306 46
Winslow, Lanier & Co., New York.....	9,238 36	Pittsburgh Trust Co., Pittsburgh.....	1,174 56
Marine Bank, Buffalo, New York.....	526 68	State Bank of Indiana, Branch at Fort Wayne.....	4,936 80
Lake Ontario Bank, Oswego, New York.....	5,000 00		
		Discount.....	6,682 10
E. G. Burkam & Co., Cincinnati.....	\$219 34	Exchange and premium.....	5,346 60
Allen Hamilton & Co., Fort Wayne.....	15,640 20	Interest.....	3,538 39
Mitchell & Hitchcock.....	5,000 00		1,331 81
Toledo City Bond.....	450 00		
George S. Wright & Co.....	14 87		
			10,219 80
Notes of this Branch.....	\$2,045 00		
Notes of other Branches.....	1,700 00		
Notes of other Banks.....	6,212 00		
Gold and silver.....	67,192 24		
	77,149 24		
	\$357,197 54		\$357,797 54

H. McCULLOCH, *Cashier.*

The Speaker laid before the House the annual report of the Auditor of State of the State of Indiana, for the year 1858.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Murray,

A petition from Caleb W. Edwards, to be admitted to a seat as a Representative, in the place of the Hon. J. B. Firestone, the Representative from the counties of Huntington and Whitely.

Which,

On motion by Mr. Murray,

Was referred to the committee on elections.

Mr. Turpie, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee have instructed me to report the following resolution to the House, and respectfully ask its adoption :

Resolved, That the clerk of this House be authorized and directed to purchase the 8th, 9th and 10th volumes of the reports of the Supreme Court of the State, for the use of the committee on the judiciary, which reports shall be set apart for the use of said committee at all subsequent sessions of the General Assembly, and be placed in the library after the adjournment of each session of the General Assembly, to be retained for the sole use of said committee.

Which was concurred in.

On motion by Mr. Prosser.

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the law as to make it the imperative duty of the Superintendent of Public Instruction, Auditor and Treasurer of State, to disburse annually to the several counties of this State, all the funds which may come into their hands for the support of common schools, and that they report by bill or otherwise.

On motion by Mr. Claypool,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the now existing laws, in regard to doing township business, so that a part or all of the officers under those laws can be dispensed with.

On motion by Mr. Ritter,

Resolved, That a committee of five be appointed to examine the bills of the State Printer for the last four years, and to inquire into the quantity and quality of paper furnished for State work, and the prices paid therefor, also the prices paid for binding and to whom, and that the committee have power to send for persons and papers.

Mr. Edwards offered the following resolution :

Resolved, That the committee on ways and means are hereby instructed, that in the opinion of this House, the levying of a tax to be added to the tax duplicate, on the assessment and valuation of real property for taxation, for State purposes, would be inexpedient, as many persons have now paid, and others will pay, the taxes, as now charged, before the act making such addition can go into effect; that it will lead to confusion, cause delinquencies, because of the inability of tax payers to meet any additional assessment, until they can have the advantage of the products of another year, that the value of real property has materially changed, and to cause the rate of assessment and taxation to be equal and uniform, a reappraisement of all real as well as personal property, should be provided for and made. That to meet the present necessities, for the administration of the State government arising out of the casual defects in the revenue, in consequence of the last General Assembly failing to pass any law for the purpose of raising a revenue for the year 1857 and 1858, that the means for that purpose, as well as to pay the interest on the public debt, should be borrowed, and that the moneys so borrowed should be collected by being divided and charged upon future tax duplicates, commencing with the year 1859, and when so collected to be paid to the proper parties.

On motion by Mr. Harney,

The resolution was made the order of the day for 2 o'clock, P. M., on to-morrow.

Mr. Parrett offered the following resolution :

Resolved, That the Auditor of State be authorized to employ such clerks as may be necessary to enable him to answer promptly the various resolutions of the House directed to his office.

On motion by Mr. Murray,

The resolution was laid on the table.

The following preamble and resolution was offered by Mr. Lawhead :

WHEREAS, the Hon. J. W. Gordon, Representative from the county

of Marion, did, on last Friday of this session, introduce a resolution calling on the Auditor of State for information in reference to the expenditures of the present administration, therefore,

Resolved, That the Auditor of State be requested to report to this House, along with the information called for in said resolution, the amount of money expended by each administration of this State, beginning with the administration of Governor Noble down to the present, and in said report he be requested to show, not only the amount paid out of the treasury, but also to whom it was paid, and for what purpose and under what authority.

On motion by Mr. Parks,
The preamble and resolution were laid on the table.

On motion by Mr. Murray.

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the school law that the county auditors shall decide all cases of appeal arising from the location, building and repair of the school houses, the employment of teachers, the conducting of schools and the distribution of school funds, instead of leaving those duties to the State Superintendent of common schools. Also, separating, by law, the school funds from all other funds belonging to the State. Also, to provide, by law, for the payment of the interest on all sums due from the treasury to the school funds, said interest heretofore to be paid annually and distributed for the support of common schools.

The Speaker appointed Messrs. Ritter, Gregory, Jones, Miller and Newton a special committee on public printing, under the resolution this day adopted by the House.

BILLS INTRODUCED.

By Mr. Griffin,

No. 6. A bill to amend the two hundred and thirty-eighth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of the State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Which was read a first time and passed to a second reading.

By Mr. Blythe,

No. 7. A bill to amend section 3 of an act entitled "an act to

provide for the election and prescribing certain duties of recorder, approved May 31, 1852."

Which was read a first time and passed to a second reading.

By Mr. Colgrove,

No. 8. A bill to provide for a uniform mode of proceedings in cases of assignments of insolvent debtors, for the apportionment of trustees and defining their duties and powers, and providing for the distribution of the proceeds of insolvent's States.

Which was read a first time and passed to a second reading.

By Mr. Martin,

No. 9. A bill to prevent the circulation of unauthorized paper currency.

Which was read a first time and passed to a second reading.

By Mr. Austin,

No. 10. A bill to regulate the holding of elections, and to prevent fraudulent voting.

Which was read a first time, and passed to a second reading.

By Mr. Newton,

No. 11. A bill repealing the second section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries, approved March 7, 1857."

Which was read a first time and passed to a second reading.

By Mr. Shull,

No. 12. A bill supplemental to an act entitled "an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 13. A bill to amend section 32 of chapter six of vol. I of Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 4. A bill to amend the four hundred and forty-fifth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this

State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a second time.

Mr. Merrifield moved to amend as follows:

Section 2. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

Which was agreed to.

On motion by Mr. Scott,

The bill was referred to the committee on the judiciary.

House Bill No. 2. A bill to raise revenue for State purposes for the year 1858,

Which was read a second time.

On motion by Mr. Boyd,

The blanks were filed with "15" and "50" respectively, and

On motion by Mr. Boyd,

The bill was referred to the committee on ways and means.

No. 5. A bill to amend the sixth section, and to repeal the seventh section of an act, entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," approved May 18, 1852.

Was read a second time.

Mr. Murray moved to refer the bill to the committee on the judiciary.

Mr. Turpie moved to amend by referring the bill to the committee on rights and privileges.

Which was not agreed to.

Mr. Blythe moved to amend by referring the bill to a select committee of five.

The question then being, under the rules, on the motion to refer to the judiciary committee.

It was not agreed to.

The question then recurring on the motion to refer to a select committee of five,

It was agreed to.

The Speaker then announced Messrs. Blythe, Davis, Merrifield, Parrett and Colgrove said committee.

Mr. Colgrove, asked to be excused from serving on said committee,

Which was granted.

The Speaker then appointed Mr. Brotherton to fill the vacancy on said committee.

No. 1. A bill to provide for the payment of the January installment of interest on the State debt,

Which was read a second time, and

On motion,

Was referred to the committee on the judiciary.

JOINT RESOLUTION ON SECOND READING.

No. 1. A joint resolution in relation to the subjects of legislation at the present session of the General Assembly of the State of Indiana.

Which was read a second time and pending the consideration thereof.

On motion by Mr. Ritter,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
November 30, 1858. }

The House met.

The journal was read and approved.

On motion by Mr. Summers,

Mr. Dobbins was granted leave of absence.

REPORTS FROM STANDING COMMITTEES.

Mr. Baird, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 1, entitled "a bill to provide for the payment of the January installment of interest on the State debt," have had the same under consideration, and have instructed me to report the same back to this House and respectfully recommend that the same be referred to the committee on the sinking fund.

Which was concurred in.

RESOLUTIONS.

On motion by Mr. Durham,

Resolved, That the committee on temperance be instructed to inquire into the expediency of adopting a license system for regulating the liquor traffic, and appropriating the money to the use of common schools, and also to protect the community from the disorderly conduct of drunkards, and report by bill or otherwise.

On motion by Mr. Murray,

Resolved, That the committee on temperance inquire into the expediency of reporting a bill for the repeal of the prohibitory liquor law of 1855, and the enactment of a law on that subject which will not be liable to the constitutional objections urged by the Supreme Court of this State against the law aforesaid.

Mr. Keefer offered the following resolution:

Resolved, That in the opinion of this House, the State printing should be let to the lowest responsible bidder, and that the committee on public expenditures be instructed to report a bill to that effect at as early a day as possible.

Mr. Murray moved to lay the resolution on the table,
Which was agreed to.

On motion by Mr. Scott,

Resolved, That an addition of two members be made to the committee on the affairs of the State Prison.

Mr. Carr offered the following resolution:

Resolved, That the Doorkeeper be instructed to procure two hundred copies of the Legislative Sentinel for the use of the members of this House.

Mr. Nebeker, of Warren, moved to lay the resolution on the table.

Messrs. Nebeker, of Warren, and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hunter, Johnston, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Warren, Parks, Power, Prosser, Ritier, Robinson, Row, Rynerson, Sherman, Shields, Smith of Miami, Stiles, Tebbs, Thompson of Elkhart, Treadway, Usrey and Whetzel—42.

Those who voted in the negative were,

Messrs. Baird, Black, Blythe, Bowman, Carr, Clark, Claypool, Clayton, Clements Collier, Davis, D ugherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harrison, Hartley, Jeffers, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Massey, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Scott, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—52.

So the resolution was not laid on the table.

Mr. Boyd moved to amend by adding in the proper place these words:

“Provided, That the members pay for the same out of their own pockets.”

Mr. Parks moved to lay the amendment on the table, Which was agreed to.

Mr. Murray moved to strike out “200” and insert “100” in lieu thereof.

Mr. Usrey moved to refer the resolution and pending amendments to the special committee on stationery, Which was not agreed to.

The question then being on the amendment of Mr. Murray, It was not agreed to.

The question recurring on the original resolution.

Messrs. Hunter and Hamilton, of Boone, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Carr, Clark, Claypool, Clements, Collier, Davis, Dougherty, Early, Eastham, Firestone, Gregory, Harney, Jeffers, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Massey, Martin, Nelson, Newton, Parrett, Power, Prosser, Scott, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebb, Thompson of Elkhart, Thompson of Madison, Turpie, Wheeler, Wood and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Cavins, Clayton, Colgrove, Comstock, Cotton, Davison, Durham, Devol, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Smith of Miami, Stiles, Treadway, Usrey, Waterman, Whetzel, Whiteman and Wildman—48.

So the resolution was not agreed to.

On motion by Mr. Jeffers,

Resolved, That the committee on education be instructed to inquire into the expediency of distributing the taxes collected for school purposes in the counties where said taxes are collected, and report by bill or otherwise.

On motion by Mr. Shull,

Resolved, That sound policy dictates that any act providing for the disposal and management of the trust funds, set apart by law for common school purposes, should provide for the distribution of said fund among the several counties of this State according to the number of children in each. And inasmuch as the interest only of said fund can be used for the support of common schools, its investments in such securities, or in such way as to secure promptly the interest thereon is of the highest consideration.

Mr. Turpie offered the following preamble and resolution:

WHEREAS, Great loss and inconvenience have been felt by the several counties in this State, by reason of the method now in force of assessing the property of Railroad companies doing business therein, now therefore, be it

Resolved, That the committee on ways and means, be and are hereby instructed to inquire into the expediency of so amending the present law as to provide that the real and personal property belonging to railroads, be assessed and listed for taxation in the county where the same may be situated, and not in the county of the principal office.

Which was agreed to.

Mr. Merrifield offered the following resolution :

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the thirty-sixth section of "an act to establish courts of common pleas, defining the jurisdiction and duties, &c., as provides for the taxing of a docket fee against the losing party in civil causes.

Which was not agreed to.

On motion by Mr. Hunter,

Resolved, That the Auditor of State furnish this House immediately, with the entire indebtedness of the State, other than the foreign State debt, stating particularly to what persons, corporations or funds it is indebted, and the amount of interest it is paying to each.

Mr. Treadway offered the following resolution :

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the present road law, as to dispense with the working out of personal privileges, and substituting therefor, the payment of one dollar, (by such persons as are liable to work personal privileges.) to the supervisor, to be expended as the law may provide, and that said committee report by bill or otherwise.

Which was not agreed to.

Mr. Usrey moved to reconsider the vote on the following resolution :

Resolved, That the Doorkeeper be instructed to procure two hundred copies of the "Legislative Sentinel," for the use of the members of this House.

Which motion was agreed to.

The question then being on the adoption of the resolution, Messrs. Hunter and Hamilton of Boone, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boxley, Carr, Claypool, Clayton, Clements, Collier, Davis, Dougherty, Durham, Early, Easiam, Edwards, Firestone, Gregory, Hancock, Harney, Jefferis, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Massey, Martin, Nelson, Newton, Parrett, Power, Prosser, Scott, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Turpie, Usry, Wheeler, Whiteman, Wood and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Austin, Boyd, Branham, Brotherton, Cavins, Clark, Colgrove, Comstock, Cotton, Davisson, Devol, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hartley, Hunter, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Whetzel and Wildman—43.

So the resolution was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

Mr. Usrey obtained leave and presented a petition from sundry citizens of Sullivan county, in relation to a tax for building school houses;

Which,

On motion by Mr. Usrey,

Was referred to the committee on education.

RESOLUTIONS RESUMED.

On motion by Mr. Colgrove,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of abolishing the present mode of doing township business, and provide for a less expensive mode of doing the same, and report by bill or otherwise.

Mr. Murray offered the following resolution:

Resolved, That this House will proceed to the consideration of all business in its regular order, the filling of all offices that are to be filled by the Legislature included, until all the questions of public policy, for which the Legislature was convened in extra

session by the Governor, shall have been considered and decided, and then adjourn.

Mr. Colgrove moved to amend by striking out all after the word "order."

On motion by Mr. Durham,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived, the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

Resolved, That the committee on ways and means, are hereby instructed that in the opinion of this House, the levying of a tax to be added to the tax duplicate, on the assessment and valuation of real property for taxation for State purposes, would be inexpedient, as many persons have now paid, and others will pay the taxes as now charged, before the act making such addition can go into effect; that it will lead to confusion, cause delinquencies, because of the inability of tax payers to meet any additional assessment, until they can have advantage of the products of another year; that the value of real property has been materially changed, and to cause the rate of assessment and taxation to be equal and uniform, a re-appraisement of all real as well as personal property, should be provided for and made; that to meet the present necessities for the administration of the State government, arising out of the casual deficits in the revenue, in consequence of the last General Assembly failing to pass any law for the purpose of raising a revenue for the years 1857 and 1858, that the means for that purpose, as well as to pay the interest on the public debt, should be borrowed, and that the moneys so borrowed should be collected by being divided and charged upon future tax duplicates, commencing with the year 1859, and when so collected to be paid to the proper parties.

Mr. Austin moved that the further consideration of this resolution be postponed until Thursday next at 2 o'clock P. M., at which time it shall be made the special order of the day.

Mr. Murray moved to refer the resolution to the committee on ways and means, with the following instructions:

Refer the resolution to the committee on ways and means, with instructions to report to this House whether there are any funds belonging to the State, which can be made available for meeting the deficiency arising from the neglect of the Legislature to provide means for the current expenses of the State government for 1857 and 1858, and the interest on the public debt.

The question being on the motion to postpone, as entitled to precedence,

It was agreed to.

RESOLUTIONS RESUMED.

The question being on the adoption of the amendment proposed by Mr. Colgrove, to the resolution introduced by Mr. Murray.

Mr. Scott moved to lay the resolution and pending amendment on the table.

Messrs. Davis and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Clark, Clayton, Colgrove, Collier, Comstock, Davison, Eastham, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Jefferis, Kelly, Mansfield, Miller, Nebeker of Vermillion, Nebeker of Warren, Parrett, Power, Ritter, Robinson, Scott, Sherman, Shields, Shull, Smith of Miami, Soles, Stinson, Treadway, Whetzel, Whiteman and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Black, Blythe, Carr, Cavins, Claypool, Clements, Davis, Dougherty, Durham, Devo, Early, Firestone, Gifford, Hamilton of Boone, Hancock, Harney, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kempf, Lawhead, Lewis, McLain, Massey, Mellett, Murray, Martin, Nelson, Parks, Prosser, Row, Rynerson Shockley, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wilman and Wood—49.

So the resolution was not laid on the table.

Mr. Colgrove moved to indefinitely postpone the resolution and amendment.

Messrs. Murray and Prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Colgrove, Collier, Comstock, Davisson, Early, Eastham, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Kelly, Major, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Power, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Stiles, Stinson, Tebbs, Treadway, Whetzel, Whiteman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Blythe, Cavins, Claypool, Clayton, Clements, Davis, Dougherty, Durham, Devol, Gifford, Harney, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, McLain, Massey, Murray, Martin, Nelson, Parks, Parrett, Prosser, Row, Rynerson, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wildman and Wood—43.

So the resolution was indefinitely postponed.

Mr. Turpie offered the following preamble and resolution:

WHEREAS, by the Constitution of the United States, each House of Congress is the judge of the election and qualification of its own members. **AND WHEREAS**, the Senate of the United States did, on the 12th day of June, 1858, declare and adjudge that Graham N. Fitch and Jesse D. Bright, Senators returned and admitted from the State of Indiana, were entitled to the seats which they now hold as such Senators as foresaid—the former until the 4th of March, 1861, and the latter until the 4th of March, 1863, according to the tenor of their respective credentials, therefore,

Resolved, That we recognize said decision of the Senate of the United States as a final adjudication and determination of the right of said Senators to their respective seats as such Senators, and that whatever may be the opinion of members as to the legality or illegality of such election, we have no power to review, vacate, or declare void, the decision made aforesaid by the Senate of the United States, that we acquiesce in said decision, and that we deem it unwise and inexpedient, unconstitutional and revolutionary, for the House to entertain any motion or resolution for the election of United States Senators at the present session.

Messrs. Turpie and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Carr, Claypool, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—43.

Those who voted in the negative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

So the resolution was not agreed to.

Mr. Row offered the following preamble and resolution :

WHEREAS, the Auditor of State, in his report, estimates the ordinary expenses to be paid on account of sheriff's mileage at \$10,000 a year for the years 1859 and 1860. And as a like amount has been paid for such service, therefore,

Resolved, That the committee on fees and salaries are hereby instructed to reduce said expenses, by providing that sheriffs shall take all the prisoners who may be sentenced, during the term of any circuit court, all at one trip, and not at different times and singly, so as to enable him to charge and receive mileage for each convict.

Which was agreed to.

On motion by Mr. Murray,

Resolved, That the committee on ways and means be instructed to inquire into, and report to this House whether there are any public funds in the treasury or belonging to the State, which can be applied to meet the deficiency arising from the failure of the last Legislature to levy a tax for the years 1857 and 1858.

Mr. Usrey offered the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill providing for the election of one justice of the peace in every incorporated town in the State that have no resident justice.

Which was not agreed to.

Mr. Gifford offered the following resolution:

Resolved, That the Doorkeeper be instructed to procure and place upon the desk of each member of this House, a copy of Jefferson's Manual.

Which was not agreed to.

Mr. Dougherty moved to reconsider the vote taken on the adoption of the resolution subscribing for 200 copies of the Legislative Sentinel.

Which was not agreed to.

BILLS INTRODUCED.

By Mr. Firestone,

No. 14. A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries."

Which was read a first time and passed to a second reading.

By Mr. Griffin,

No. 15. A bill to amend the four hundred and forty-fifth, four hundred and fifty-third, and four hundred and fifty-fifth sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish district forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction of law and equity, approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Turpie,

No. 16. A bill to repeal an "act to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time.

Objections being made, and the question being,
 Shall the bill be rejected?
 It was not so rejected.
 The bill was then ordered to a second reading.

By Mr. Nelson.

No. 17. A bill for the creation of township election of trustees, duties of township trustees, mode of assessing township tax and doing township business.

Which was read a first time and passed to a second reading.

By Mr. Sules,

No. 18. A bill to amend section eighteen of an act entitled "an act prescribing the powers and duties of justices of the peace in State pro-ecutions," approved May 29, 1852.

Which was read a first time and passed to a second reading.

By Mr. Clements,

No. 19. A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.

Which was read a first time and passed to a second reading.

By Mr. Merrifield,

No. 20. A bill to amend the fourth section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a first time and passed to a second reading.

By Mr. Usrey,

No. 21. A bill prescribing the time of holding the circuit court in the county of Sullivan,

Which was read a first time and passed to a second reading.

By Mr. Stanley,

No. 22. A bill providing for the re-appraisement of the unsold school lands in the State.

Which was read a first time, and passed to a second reading.

The Speaker laid before the House depositions in the case of Edwards against Firestone,

Which,

On motion by Mr. Murray,

Was referred to the committee on elections.

On motion by Mr. Power,
The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
December 1, 1858. }

The House met.

The journal was read, corrected and approved.

By unanimous consent of the House,
Messrs. Dobbins, Merrifield, Newton, Cotton and Standfield
were allowed to record their votes on the resolutions introduced
by Mr. Turpie, in relation to the election of United States Sen-
ators, as of yesterday.

The Speaker laid before the House the following statement of
the condition of the branch at Indianapolis, of the Bank of the
State of Indiana, viz:

Condition of the Branch at Indianapolis of the Bank of the State of Indiana, on Saturday, November 20, 1858.

DEBIT.		CREDIT.	
Notes discounted.....	\$25,899 07	Capital Stock.....	\$150,000 00
Bills of Exchange.....	330 655 02	Surplus Fund.....	17,389 58
Suspended Debt.....	8,617 69	Notes in Circulation.....	294,066 00
Furniture and Fixtures.....	300 00	Notes on hand.....	5,234 00
Vault and Safe.....	800 00	Individual Deposits.....	\$65,190 38
Protest Account.....	35 92	Certificates of Deposit.....	23,198 94
Banking House, Bank of the State.....	70 00	Rent account.....	88,389 32
Due from other Branches.....	1,294 49	Due to other Branches.....	46 00
Due from Eastern Banks.....	\$37,327 86	Due to other Banks, &c.....	1,448 62
Due from Western Banks.....	31,693 06	Discount.....	2,203 41
Cash, viz:—Notes of this Branch.....	5,234 00	Exchange and Premium.....	\$3,285 48
Notes of other Branches.....	4,121 00	Interest.....	2,119 32
Notes of other Banks.....	25,619 00	Interst.....	61 12
Gold and Silver.....	100 048 14	Damages.....	214 87
Total.....	\$134,919 14	Profit and Loss.....	5,080 79
		Total.....	6,184 53
			\$571,612 25

INDIANAPOLIS, November 20, 1858.

To the Speaker of the House of Representatives :

The foregoing is a true statement of the affairs of this Branch on the day mentioned.

The following is a list of the officers of the branch and their salaries, viz:

George Tousey, President.....	\$2,500 00
C. S. Stevenson, Cashier.....	2,000 00
T. V. Malott, Teller.....	850 00
D. E. Snyder, 1st Book keeper.....	1,000 00
W. B. McChesney, 2d Book keeper.....	250 00
Dumont and Torbett, Attorneys.....	200 00
Amount of rent paid	900 00

The Branch is not the owner of any real estate.

Respectfully,

C. S. STEVENSON, *Cashier.*

On motion by Mr. Hunter,

All the reports of the condition of the various branches of the Bank of the State of Indiana, were referred to the committee on banks.

The Speaker appointed Messrs. Durham and Sherman to serve on the committee on the State Prison, in accordance with the resolution of yesterday.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Edwards,

A petition from sundry citizens of Vigo county, in relation to landlord's liens,

Which,

On motion by Mr. Edwards,

Was referred to the committee on the judiciary.

RESOLUTIONS.

On motion by Mr. Kempf,

Resolved, That the committee on elections, examine into the propriety of adding a number of German works to every library of those counties where the German population thereof would justify them in so doing.

On motion by Mr. Johnston,

Resolved, That the Auditor of State be requested to transmit to this House, a copy of the items, paid for free banking, for the years 1856, 1857 and 1858.

On motion by Mr. Murray,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the law organizing the courts of Common Pleas as to set apart a certain term thereof, or one-half of each term for making up issues and disposing of probate business, so as to avoid the expense of the attendance of the jurors and witnesses while such business is transacting.

On motion by Mr. Boyd,

Resolved, That the committee on education be instructed to take into consideration the propriety of so changing section first, article eighth of the Constitution of the State of Indiana, as to place it within the power of future Legislatures to comply with the provisions of the same.

On motion by Mr. Hamilton, of Boone,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of enlarging the district, or circuits of the courts of common pleas, so as to provide for a more economical and cheap mode for doing the business, within the jurisdiction of that court.

On motion by Mr. Brotherton,

Resolved, That the committee on education be requested to ascertain what amount have been paid to each county in this State, as its distributive share of the common school fund for the year 1858, and whether each county has received the full amount to which it is entitled of said fund for said year, and report to this House at as early a day as possible.

Mr. Miller offered the following resolution:

Resolved, That the special committee to investigate the accounts of the State Printer, have the privilege of a clerk.
Which was not agreed to.

Mr. Parrett moved to reconsider the vote on the resolution,
Which was agreed to.

The question then being on the adoption of the resolution.

Mr. Austin moved to amend the resolution by limiting the employment of the clerk to three weeks ;
Which was agreed to.

The question then recurring on the adoption of the resolution as amended ;

It was agreed to.

On motion by Mr. Cotton,

Resolved. That the committee on township and county business be instructed to inquire into the expediency of doing away with township clerk and treasurer, and require two of the trustees separately to perform the duties thereof, in connection with the duties of trustee.

On motion by Mr. Colgrove.

Resolved. That the committee on the organization of courts be instructed to inquire into the expediency of abolishing the Court of Common Pleas, and to provide a different mode of doing probate business, and to so revise our present practice act as to make the same conform to said proposed changes.

BILLS INTRODUCED,

By Mr. Dobbins,

No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.

Which was read a first time and passed to a second reading.

By Mr. Merrifield,

No. 24. A bill to amend section 2 of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved February 14, 1857.

Which was read a first time and passed to a second reading.

By Mr. Shockley,

No. 25. A bill to prevent frauds at elections and providing penalties therefor, and repealing certain sections therein named, of chapter thirty-one, 1st vol, Revised Statutes of 1852.

Which was read a first time and passed to a second reading.

By Mr. Gregory,

No. 26. A bill defining the duty of sheriffs, auditors, administrators, executors and other officers and persons in the matter of giving public notice.

Which was read a first time and passed to a second reading.

By Mr. Gregory,

No. 27. A bill to amend the second section of article second of the Constitution of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during six months immediately preceding such election, and to vote in the township or precinct wherein he may reside.

Which was read a first time and passed to a second reading.

JOINT RESOLUTIONS ON SECOND READING.

No. 1. A joint resolution in relation to the subjects of legislation at the present session of the General Assembly of the State of Indiana.

Which was read a second time, and

On motion by Mr. Stanfield,

The resolution was referred to a select committee of five.

The Speaker announced the following named gentlemen to compose said select committee, viz:

Messrs. Stanfield, Gregory, Branham, Parrett and Scott.

HOUSE BILLS ON SECOND READING.

No. 6. A bill to amend the two hundred and thirty-eighth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of the State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity."

Which was read a second time.

Mr. Parks moved to refer the bill to the committee on the organization of courts of justice.

Mr. Griffin moved to amend by referring it to the committee on the judiciary,

Which was agreed to.

No. 7. A bill to amend section 3 of an act entitled "an act to provide for the election and prescribing certain duties of recorder, approved May 31, 1852."

Which was read a second time.

Mr. Wildman moved to refer the bill to the committee on the judiciary.

Mr. Nebeker, of Warren, moved to amend by referring the same to the committee on fees and salaries ;

Which was agreed to.

No. 9. A bill to prevent the circulation of unauthorized paper currency.

Was read a second time.

Mr. Baird moved to amend by striking out all after the enacting clause and inserting the following :

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all bills of any denomination whatever, issued by any individual or individuals, company or corporation, or agent or officer of any company or corporation in this State, either in the form of a certificate, or receipt for the deposit of money, or of a promise to pay the bearer or any specific person any sum whatever, for the purpose of being used as a circulating medium or substitute for bank notes, shall be deemed fraudulent and absolutely void.

SEC. 2. Any person who, either on his own account, or as agent for another, or as an agent or officer of any company, corporation or association, shall issue or put into circulation, or cause to be issued or put into circulation, any bills, notes, receipts, or certificates designed to be used as a circulating medium or substitute for bank notes, such as one specified in the preceding section, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars nor less than fifty dollars for each offence.

SEC. 3. Any individual or individuals, or any one of two or more individuals, who, after the taking effect of this act, shall put in circulation, contrary to the provisions of this act, any such illegal issues or paper as is specified in the first section of this act, and shall refuse or fail to pay and redeem the same on presentation, shall, as a separate and distinct offense from that specified in the second section of this act, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined for each of such failures and refusals to pay and redeem, in any sum not less than the pretended value of such illegal issue presented for payment and not more than twice the pretended value thereof, one-half which fine shall go to the informer and the other half to the school fund.

SEC. 4. The provisions of section third shall apply to any individual, member of any company, corporation or association, and any individual, member of any such company, corporation or association, for any such refusal or failure to pay and redeem as is specified in the third section of this act, shall be deemed guilty of a misdemeanor, and fined in the same manner as if he had individually made and issued such illegal issue, and the fine appropriated in the same manner as prescribed in the last preceding section.

SEC. 5. Any solvent person who has or may have before the taking effect of this act, made and issued any such illegal issue or paper as is specified in the first section of this act, and who shall refuse or fail to pay and redeem the same on presentation, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined for each such refusal or failure in the same manner specified in section third of this act, and the fine shall be disposed of in the same manner.

SEC. 6. The provisions of the last preceding section shall apply to any solvent individual member of any company, corporation or association, that has or may have issued any such illegal issue, or paper before the taking effect of this act, and who shall refuse or fail to pay and redeem the same on presentation thereof, shall be deemed guilty of a misdemeanor in the same manner as if he had individually made and issued the same, and shall be punished in the same manner as provided in the last preceding section,

SEC. 7. In all prosecutions under the last two preceding sections of this act, it shall not be necessary for the State to prove the *defendant insolvent*, but insolvency shall be a matter of defense, to be proved by the defendant. But nothing herein shall be construed so as to make insolvency any defense to prosecutions under sections second, third or fourth of this act.

SEC. 8. Nothing in this act shall be so construed as to interfere with the banking privileges, of banks authorized by law to carry on the banking business, nor to make any person punishable who either as officer, agent or servant of any such bank, may be employed in making and issuing the legally authorized bills and notes of such banks, nor to prevent the free circulation of the legally authorized bills and notes of such banks.

On motion by Mr. Scott,

The bill and pending amendment were referred to the committee on banks.

No. 10. A bill to regulate the holding of elections, and to prevent fraudulent voting.

Which was read a second time.

On motion by Mr. Austin,

The bill was referred to the committee on the judiciary.

No. 13. A bill to amend section 32 of chapter six of vol. 1 of Revised Statutes of 1852.

Which was read a second time.

Mr. Scott moved to refer the bill to the committee on county and township business.

Mr. Harney moved to amend by referring to the committee on corporations;

Which was agreed to.

No. 11. A bill repealing the second section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries, approved March 7, 1857."

Which was read a second time, and

On motion by Mr. Newton,

Was referred to the committee on the judiciary.

No. 12. A bill supplemental to an act entitled "an act concerning interest on money," approved May 27, 1852, and providing for a conventional rate of interest.

Which was read a second time.

Mr. Shull moved to lay the bill on the table,

Which was not agreed to.

Mr. Boyd moved to refer the bill to the committee on rights and privileges of the inhabitants of the State,

Which was agreed to.

No. 14. A bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries."

Was read a second time.

Mr. Hamilton, of Boone, moved to refer the bill to the committee on county and township business.

Mr. Durham moved to amend by referring to the committee on corporations;

Which was not agreed to.

Mr. Nebeker, of Warren, moved to amend by referring to the committee on rights and privileges of the inhabitants of the State;

Which was not agreed to.

Mr. Newton moved to amend by referring to the committee on the judiciary;

Which was not agreed to.

The question then recurring on the original motion, to refer to the committee on county and township business ;

It was agreed to.

No. 15. A bill to amend the four hundred and forty-fifth, and four hundre and fifty-third sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish district forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction of law and equity," approved June 18, 1852.

Which was read a second time.

On motion by Mr. Griffin,
Referred to the committee on the judiciary.

No. 17. A bill for the creation of township election of trustees duties of township trustees, mode of assessing township tax and doing township business.

Which was read a second time.

On motion by Mr. Firestone,
Referred to the committee on county and township business.

On motion by Mr. Austin,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

HOUSE BILLS ON SECOND READING.

No. 16. A bill to repeal an "act to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a second time.

On motion by Mr. Edwards,
Referred to a select committee of five.

The Speaker appointed Messrs. Edward, Turpie, Merrifield, Branham and Row said committee.

No. 18. A bill to amend section eighteen of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Which was read a second time, and

On motion by Mr. Brotherton,
Referred to the committee on the judiciary.

No. 19. A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.

Which was read a second time.

Mr. Clements moved to suspend the rules and read the bill a third time now.

The question being on the suspension of the rules.

The ayes and noes were taken under the constitution,

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Dobbins, Deugherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Hartley, Jefferis, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Massey, Merrifield, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parrett, Power, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Waterman, Wheeler, Whiteman and Wood—63.

Those who voted in the negative were,

Messrs. Austin, Boxley, Branham, Clark, Comstock, Cotton, Davisson, Davis, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Parks, Robinson, Smith of Miami, Stanfield, Stiles, Treadway, Whetzel and Wildman—22.

So the rules were not suspended.

On motion by Mr. Gordon.
Referred to the committee on the judiciary.

No. 8. A bill to provide for a uniform mode of proceedings in cases of assignments of insolvent debtors, for the apportionment of trustees and defining their duties and powers, and providing for the distribution of the proceeds of insolvent's estates

Which was read a second time, and

On motion by Mr. Griffin,

Referred to the committee on the judiciary.

No. 21. A bill prescribing the time of holding the circuit court in the county of Sullivan,

Which was read a second time.

Mr. Scott moved to amend by adding to second section as follows:

"Provided, That no judgments by default shall be rendered at the first February term next hereafter during the first week,"

Which was agreed to, and

On motion by Mr. Dobbins,

Referred to the committee on organization of courts of justice.

No. 22. A bill providing for the re-appraisement of the unsold school lands in the State.

Which was read a second time, and

On motion by Mr. Parks,

Referred to the committee on education.

No. 20. A bill to amend the fourth section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken, and declaring the penalty for the violation of this act," approved February 26, 1857.

Which was read a second time, and

On motion by Mr. Turpie,

Referred to the select committee heretofore appointed on House bill No. 16.

Mr. Colgrove moved to instruct said committee as follows:

"To amend by extending the time for killing quails to the first of February."

Mr. Cavins moved to amend the instructions as follows:

"To repeal the whole game law."

The question being on the adoption of the amendment to the instructions.

Messrs. Cavins and prosser demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Clements, Collier, Dobbins, Devol, Early, Eastham, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Hartley, Hunter, Jones, Jordan, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Stanley, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Wheeler, Whiteman, Wildman and Wood—55.

Those who voted in the negative were,

Messrs. Austin, Baird, Branham, Brotherton, Claypool, Colgrove, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Edwards, Firestone, Gregory, Hall of Grant, Hamilton of Wayne, Harrison, Jefferis, Johnston, Keefer, Mansfield, Mellett, Merrifield, Miller, Murray, Nebeker of Vermilion, Nebeker of Warren, Power, Scott, Sherinan, Smith of Miami, Snyder, Stanfield, Stiles, Tebbs, Thompson of Elkhart, Treadway, Waterman, Whetzel and Mr. Speaker—42.

So the amendment was agreed to.

The question then recurring upon the adoption of the instructions as amended,

They were not agreed to.

BILLS INTRODUCED.

By Mr. Branham,

No. 28. A bill to prescribe the time, place and manner of electing United States Senators,

Which was read a first time, and passed to a second reading

House Bill No. 3. A bill for the appraisement of the real estate in the State of Indiana, and to make such appraisement uniform throughout the State,

Was taken from the table.

Mr. Dobbins moved to refer the same to the committee of ways and means,

Which was agreed to.

On motion by Mr. Branham,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
December 2, 1858. }

The House met.

Mr. Boyd moved that the reading of the journal be dispensed with;

Which was not agreed to.

The journal was then read and approved.

RESOLUTIONS.

On motion by Mr. Dobbins,

Resolved, That the committee on the judiciary be instructed to inquire into the constitutionality of the State sub-treasury system, and that said committee also be instructed to inquire into the expediency of adopting said system in this State, and report the result of their deliberation to this House at as early a day as possible.

On motion by Mr. Griffin,

Resolved, That Mr. Parks be added to the committee on swamp lands.

On motion by Mr. Whetzel,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road laws, as to require all work on the public highways to be performed in the spring instead of the fall of the year. Also provide that supervisors shall be exempt from working on the road the year following their service, as compensation, instead of allowing them pay from the township funds.

On motion by Mr. Sullivan,

Resolved, That the committee on game laws be instructed to so amend the laws as to make it unlawful to net pheasants or quails at any time, and report by bill or otherwise.

On motion by Mr. Austin,

Resolved, That the committee on the judiciary be instructed to

inquire into the powers of the present Legislature to repeal the fifteenth section of an act to establish a bank with branches, which exempts the capital stock of said bank from being taxed for municipal purposes, and report to this House at as early a period as possible.

On motion by Mr. Durham,

WHEREAS, Hon. Henry Walker is temporarily sojourning in this city, and has signified his willingness to repeat, before this body and the community in general, his celebrated lecture on elocution and the fine arts, therefore,

Resolved, That we tender him the use of this Hall to-morrow (Friday) evening, at 7 o'clock.

JOINT RESOLUTIONS.

By Mr. Waterman,

No. 2. A joint resolution concerning a grant of lands for agricultural colleges.

Which was read a first time and passed to a second reading.

By unanimous consent of the House,

Mr. Merrifield moved to reconsider the vote on the adoption of the resolution tendering the use of this Hall to the Hon. Henry Walker.

Which was not agreed to.

BILLS INTRODUCED.

By Mr. Newton,

No. 29. A bill to fix the time for holding the circuit court in the eighth judicial circuit, and repealing all laws in conflict therewith,

Was read a first time.

Objections being made, and the question being,

Shall the bill be rejected?

It was not rejected,

The bill was then ordered to a second reading.

By Mr. Shull,

No. 20. A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of said act," approved February 26, 1857.

Which was read a first time and passed to a second reading.

By Mr. Lewis,

No. 31. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1857.

Which was read a first time and passed to a second reading.

By Mr. Griffin,

No. 32. A bill to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana, by the crection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana," approved March 7, 1857.

Which was read a first time and passed to a second reading.

By Mr. Black,

No. 33. A bill for the taxing of the costs to the complaining witness, if he fails to sustain the charge in all cases of misdemeanor.

Which was read a first time and passed to a second reading.

By Mr. Merrifield,

No 34. A bill to repeal the thirty-sixth section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Which was read a first time and passed to a second reading.

By leave of the House,

Mr. Edwards moved that a committee be appointed to wait upon the Hon. Henry Walker, and inform him of the action of the House;

Which was agreed to.

Mr. Scott moved to reconsider said vote;

Which was agreed to.

Mr. Edwards then, by consent of the House, withdrew his motion.

HOUSE BILLS ON SECOND READING.

No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except

in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1857.

Which was read a second time.

Mr. Stanfield moved to amend by striking out "emergency clause ;"

Which was agreed to.

The bill was then ordered to be engrossed.

No. 24. A bill to amend section two of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved February 14, 1857.

Which was read a second time, and

On motion by Mr. Stanfield,

Referred to a select committee of three.

Messrs. Stanfield, Davis and Blythe were appointed said committee.

No. 25. A bill to prevent frauds at elections, and providing penalties therefor, and repealing certain sections therein named, of chapter thirty-one, 1st vol., Revised Statutes of 1852.

Which was read a second time.

On motion by Mr. Edwards,

Referred to the committee on the judiciary with the following instructions :

To inquire into the constitutionality of the provisions of the bill.

No. 26. A bill defining the duties of sheriffs, auditor, administrators, executors and other officers and persons in the matter of giving jubilee notice.

Which was read a second time.

The question being, shall the bill be engrossed ?

It was not so ordered.

No. 27. A bill to amend the second section of article second of the Constitution of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided six months immediately preceding such election, and to vote in the township or precinct wherein he may reside.

Which was read a second time.

On motion,

Referred to the committee on the rights and privileges of the inhabitants of the State.

No. 28. A bill to prescribe the time, place and manner of electing United States Senators.

Which was read a second time.

Mr. Gifford moved to refer the bill to a select committee of five.

Mr. Austin moved to amend by referring to the committee on the judiciary ;

Which was agreed to.

JOINT RESOLUTIONS INTRODUCED.

By Mr. Prosser,

No. 3. A joint resolution instructing our Senators and requesting our Representatives to use their influence to have a canal constructed around the falls of the Ohio ;

Which was read a first time and passed to a second reading.

On motion by Mr. Hancock,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The Speaker laid before the House the following communication with accompanying report :

BRANCH OF THE STATE BANK OF INDIANA, }
Terre Haute, Nov. 24, 1858. }

To the Speaker of the House of Representatives :

SIR:—I enclose you herewith a statement of the condition of this Branch on the third Saturday of November, inst., at 2 o'clock P. M., pursuant to the requirements of the 65th section of the Bank Charter.

Respectfully yours,
G. GILBERT, *President*.

Which was referred to the committee on banks, according to the order heretofore made.

The hour having arrived, the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

Resolved, That the committee on ways and means, are hereby instructed that in the opinion of this House, the levying of a tax to be added to the tax duplicate, on the assessment and valuation of real property for taxation for State purposes, would be inexpedient, as many persons have now paid, and others will pay the taxes as now charged, before the act making such addition can go into effect; that it will lead to confusion, cause delinquencies, because of the inability of tax payers to meet any additional assessment, until they can have advantage of the products of another year; that the value of real property has been materially changed, and to cause the rate of assessment and taxation to be equal and uniform, a re-appraisement of all real as well as personal property, should be provided for and made; that to meet the present necessities for the administration of the State government, arising out of the casual deficits in the revenue, in consequence of the last General Assembly failing to pass any law for the purpose of raising a revenue for the years 1857 and 1858, that the means for that purpose, as well as to pay the interest on the public debt, should be borrowed, and that the moneys so borrowed should be collected by being divided and charged upon future tax duplicates, commencing with the year 1859, and when so collected to be paid to the proper parties.

Mr. Austin moved to amend by striking out all after the word "resolved," and inserting the following:

"That it is the first and most important duty of this Legislature. at this session thereof, to pass a revenue bill for the present year."

Mr. Parks demanded a call of the House, when the following members answered to their names:

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter,

Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzell, Whiteman, Wildman, Wood and Mr. Speaker—95.

On motion By Mr. Edwards,
The further call of the House was suspended.

Mr. Prosser moved to make the resolution and pending amendment the special order of the day for to-morrow, 2 o'clock P. M. Which was agreed to.

On motion by Mr. Prosser,
The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, {
December 3, 1858. }

The House met.

The journal was read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Griffin, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 19, entitled "a bill to secure the service of process in actions against corporations, created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located and have exercised corporate powers; have had the same under consideration and instruct me to report the same back to the House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Scott, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 18, entitled "an act to amend section eighteen of an act entitled 'an act prescribing the powers and duties of justices of the peace, in State prosecutions,' approved May 29, 1852;" have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Mellett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 28, entitled "an act to prescribe the time, place and manner of electing United States Senators;" have had the same under consideration, and have directed me to report the same back to the House, and recommend its passage.

Which report was concurred in, and the bill ordered to be engrossed.

Mr. Baird, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House, instructing them to "inquire into the constitutionality of the State sub-treasury system, and that said committee also be instructed to inquire into the expediency of adopting said system in this State," have had the same under consideration, and have instructed me to report the same back to the House, and recommend that legislation on the subject is inexpedient, and that the further consideration of the resolution be indefinitely postponed.

Which report was concurred in, and the resolution was indefinitely postponed.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 4, have had the same under consideration, and have instructed me to report the same back and recommend its indefinite postponement, and instead thereof, have recommended me to report the following bill and recommend its passage :

No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding moneys in a judiciary capacity, or the sureties of any or either of them.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That hereafter all judgments recovered against any sheriff, constable or other public officer, administrator, executor, guardian, or any other person or corporation, or the sureties of any or either of them, for moneys collected or received in a judiciary capacity, or for a breach of any official duty, or for money or any other article of value held in trust for another, shall be collectable without stay of execution or the benefit of the valuation or appraisement laws of this State.

Which report was concurred in,

And the bill was read a first time and passed to a second reading.

Mr. Jordan asked and obtained leave for the committee on elections to set during the sessions of the House.

RESOLUTIONS.

Mr. Shull offered the following preamble and resolution :

WHEREAS, the several scientific and benevolent institutions, to-wit: The Blind, Deaf and Dumb and Insane are committed to the management of several trustees for each institution, and inasmuch as it is doubted as to the policy of such a regulation, therefore,

Resolved, That the committee on scientific and benevolent institutions inquire into the expediency of committing to the hands of five trustees the government of these institutions.

Which was agreed to.

Mr. Lawhead offered the following resolution .

Resolved, That the committee on temperance be instructed to report a bill that will be constitutional, that will suppress intemperance, and report said bill without delay, as there is no law that can be put in force.

Mr. Turpie moved to lay the resolution on the table,
Which was agreed to.

On motion by Mr. Brotherton,

Resolved, That a select committee of three be appointed by this House, whose duty it shall be to ascertain whether the Auditor of State is entitled to any additional assistance, other than that now employed in his office, to enable him to answer the resolutions passed by this House, making inquiry in regard to the amount paid to the several officers named in said resolutions, and report to this House as soon as possible.

On motion by Mr. Austin,

Resolved, That the committee on the State's Prison be instructed to inquire into the cause of the increase of crime in this State, and whether the public welfare cannot be better subserved by enacting laws to prevent crime, than by building a new prison.

Mr. Sullivan offered the following resolution:

Resolved, That the committee of ways and means be instructed to so change the present assessment laws of the State of Indiana, that each tax-payer may have the right to deduct his indebtedness from money on hand or at interest, or from personal property, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Parks,

Resolved, That the committee on education be instructed to inquire into the expediency of passing a law in relation to the fund, known as the "Indianapolis Fund," which arises from the sale of lots belonging to the State, in said town, and to make said fund form part of the common school fund.

'On motion by Mr. Cotton,

Resolved, That the committee on education be instructed to inquire into the expediency of doing away with district school directors.

BILLS INTRODUCED.

By Mr. Prosser,

No. 35. A bill to amend an act entitled "an act to provide for the selection and empanneling of petit jurors in the court of common pleas, and providing compensation therefor," approved March 1st, 1853, being supplemental to an act entitled "an act prescrib-

ing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20th, 1852.

Which was read a first time and passed to a second reading.

SENATE BILLS ON FIRST READING.

Mr. Branham moved to suspend the order of business and take up Senate Bill No. 3.

Messrs. Branham and Austin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Hartley, Hunter, Johnston, Jones, Keefer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—86.

Mr. Waterman voted in the negative.

So the bill and accompanying message was taken up.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following bill:

No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.

Which was read a first time.

Mr. Austin moved to suspend the rules and read the bill a second time now, by its title.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham,

Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Mansfield, Major, Massey, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whitzel, Whiteman, Wildman, Wood and Mr. Speaker—91.

Those who voted in the negative were,

Mr. Waterman—1.

So the rules were suspended, and the bill read a second time by its title.

Mr. Edwards moved that the bill be laid on the table, and two hundred copies be printed for use of the House.

Which was agreed to.

BILLS INTRODUCED,

By Mr. Davis.

No. 36. A bill to amend the first section of an act entitled an "act providing for extending the terms of circuit courts by adjournment when the pending business shall be unfinished," approved February 12th, 1855; to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.

Which was read a first time and passed to a second reading.

By Mr. Harney,

No. 37. A bill to provide the time and manner of electing United States Senators.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

No. 38. A bill to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken

and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the revised statutes of 1852, in their respective offices.

Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 29. B bill to fix the time for holding the circuit courts in the eighth judicial circuit, and repealing all laws in conflict therewith.

Which was read a second time.

Mr. Nebeker, of Warren, moved to refer the bill to a select committee of five from the eighth judicial circuit,

Which was agreed to.

No. 30. A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of said act," approved February 26, 1857.

Which was read a second time.

On motion by Mr. Hamilton, of Boone,

Referred to the select committee heretofore appointed on House bill No. 16.

Mr. Davis moved that Messrs. Stanfield and Blythe be added to said select committee.

Which was agreed to.

No. 31. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1857.

Which was read a second time.

On motion by Mr. Murray,

Referred to the committee on agriculture.

Mr. Davis moved to instruct the committee as follows:

That the committee be instructed to amend the bill in the proper place, by providing that such societies may hold any amount of land not exceeding sixty acres.

Which was agreed to.

No. 32. A bill to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana,

by the crection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana," approved March 7, 1857.

Which was read a second time, and

On motion by Mr. Mellett,

Referred to the committee on swamp lands.

The Speaker announced the following as the select committee on House bill No. 29, viz:

Messrs. Nebeker of Warren, Hamilton of Boone, Newton, Harney and Claypool.

No. 33. A bill for the taxing of the costs to the complaining witness, if he fails to sustain the charge in all cases of misdemeanor.

Which was read a second time.

Mr. Martin moved to indefinitely postpone said bill.

Mr. Scott moved to amend by referring the bill to the committee on the judiciary.

The question on the motion to indefinitely postpone, as entitled to precedence,

It was agreed to.

Mr. Edwards moved to take from the table House bill,

No. 26. A bill defining the duties of sheriffs, auditor, administrators, executors and other officers and persons in the matter of giving public notice.

Which was agreed to.

On motion by Mr. Edwards,

Referred to the committee on fees and salaries.

No. 34. A bill to repeal the thirty-sixth section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.

Which was read a second time.

On motion by Mr. Merrifield,

Referred to a select committee of three.

Messrs. Merrifield, Stanfield and Blythe were appointed said committee.

JOINT RESOLUTIONS ON SECOND READING.

No. 2. A joint resolution concerning a grant of lands for agricultural colleges.

Which was read a second time, and

On motion by Mr. Dougherty,

Referred to the committee on agriculture.

No. 3. A joint resolution instructing our Senators and requesting our Representatives to use their influence to have a canal constructed around the falls of the Ohio.

Which was read a second time, and ordered to be engrossed.

MESSAGES FROM THE SENATE.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bills thereof:

Senate bill No. 11. A bill in relation to ventilating, repairing and warming county prisons.

Senate bill No. 16. A bill for the relief of James O'Brien, and for divesting the title the State may have in certain lands therein described.

In which the concurrence of the House is respectfully solicited.

Senate bills Nos. 11 and 16, referred to in the foregoing message, were each read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

Senate bill No. 15. A bill to authorize and empower the county commissioners, or board doing county business, in any county to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.

In which the concurrence of the House is respectfully requested.

Senate bill No. 15, referred to in the foregoing message, was read a first time and passed to a second reading.

HOUSE BILLS ON THIRD READING

No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davis, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lewis, Lawhead, McLain, Major, Mansfield, Massey, Merrifield, Miller, Murray, Martin, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Sherman, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Austin, Brotherton, Colgrove, Hall of Grant, Hamilton of Wayne, Jefferis, Mellett, Nebeker of Vermilion and Nebeker of Warren—9.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Clements, from select committee obtained leave and made the following report:

MR. SPEAKER:

The committee appointed by a resolution of the House to examine this house, and ascertain what changes or repairs, in their opinion, are necessary for the health and comfort of members, having investigated the matter for several days past, would respectfully recommend that two steam furnaces be placed in the basement of the capitol, under the main hall; that additional doors be put up at the north end of the hall, and be kept closed; and that the Door-

keeper cause the side windows of the dome of this hall to be kept open.

The committee would recommend the adoption of the following resolution:

Resolved, That the State Librarian be authorized to contract with some responsible person, as soon as practicable, for the construction and erection of two steam furnaces, to be placed under the main hall of the capitol.

Which was not concurred in.

Messrs. Wheeler and Power asked and obtained leave of absence; the former for several days, the latter until Monday next.

On motion by Mr. Prosser,
The House adjourned until 2 o'clock. P. M.

2 O'CLOCK, P. M.

The House met.

On motion by Mr. Cavins,

Resolved, That two members be added to the Committee on the Organization of Courts.

The hour having arrived, the House went into consideration of the

SPECIAL ORDER OF THE DAY.

Resolved, That the committee on ways and means are hereby instructed that, in the opinion of this House, the levying of a tax, to be added to the tax duplicate, on the present assessment and valuation of real property for taxation, for State purposes, would be inexpedient, as many persons have now paid and others will pay the taxes as now charged before the Act making such addition can go into effect; that it will lead to confusion, cause delinquencies, because of the inability of tax-payers to meet any additional assessment until they can have advantage of the products of an-

other year; that the value of real property has been materially changed, and to cause the rate of assessment and taxation to be equal and uniform, a re-appraisement of all real as well as personal property should be provided for and made; that to meet the present necessities for the administration of the State government, arising out of the casual deficits in the revenue, in consequence of the last General Assembly failing to pass any law for the purpose of raising a revenue for the years 1857 and 1858, that the means for that purpose, as well as to pay the interest on the public debt, should be borrowed, and that the moneys so borrowed should be divided and charged upon future tax duplicates, commencing with the year 1859; and when so collected, to be paid to the proper parties.

The question being on the adoption of the following amendment, offered by Mr. Martin, to wit: Strike out all after the word "resolved," and insert the following:

"That it is the first and most important duty of this Legislature, at this session thereof, to pass a revenue bill for the present year,"

Mr. Prosser moved to lay the amendment on the table.

Messrs. Martin and Newton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

Those who voted in the negative were,

Messrs. Black, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, For-dyce, Hancock, Harney, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey and Wood—45.

So the amendment was laid on the table.

The question then recurring on the original resolution, Messrs. Scott and Griffin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boxley, Branham, Brotherton, Cavins, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treaaway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Fordyce, Hancock, Harney, Hartley, Jones, Jordan, Keifer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey and Wood—45.

So the resolution was agreed to.

Mr. Gifford was excused from voting on the foregoing proposition.

Mr. Davis offered the following additional Rule to the Rules of the House, to wit:

“Any member introducing a bill which shall be referred to any one of the standing committees, shall, during the consideration of such bill, be a member of the committee to which such bill may have been referred;”

Which, under the rules, was laid over until to-morrow.

On motion by Mr. Scott,
The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
 December 4, 1858. }

The House met.

There being no quorum present,

Mr. Dobbins demanded a call of the House, when the following members answered to their names :

Messrs. Baird, Boyd, Boxley, Branham, Carr, Cavins, Claypool, Clayton, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Massey, McLain, Merrifield, Major, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanlev, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway Turpie, Waterman, Whetzel, Wildman, Wood and Mr. Speaker—70.

Leave of absence was granted Messrs. Dougherty, and Murray. until Monday evening next.

On motion,
 A further call of the House was dispensed with.

The Journal was read and approved.

The Speaker laid before the House the following communication from the Auditor of State. :

OFFICE OF AUDITOR OF STATE, }
 Indianapolis, Nov. 30, 1858. }

HON. JONATHAN W. GORDON,

Speaker of the House of Representatives :

SIR:—In reply to the House resolution of this date, "That the Auditor of State furnish this House immediately with the entire indebtedness of the State, other than the foreign State debt, stating particularly to what persons, corporations, or funds it is in-

debted, with the amount of interest it is paying to each." I have to refer you to my published report which I had the honor to lay before the House on yesterday. On pages 72 and 73 of said report will be found a statement of the entire indebtedness of the State other than the foreign debt, and the funds to which it is due, except the amount due to the common school fund derived from sinking fund, as shown upon page 15 of the report, the latter bearing interest and payable at the pleasure of the State.

The State is paying seven per cent. interest upon the sum of \$165,000, shown to be due to the Board of Sinking Fund Commissioners, and six per cent. interest upon the sum of \$2,076 63 paid in by the Treasurer of Shelby county on account of revenue of 1857, collected without authority of law.

No interest occurs on any other domestic indebtedness of the State.

I am, sir, very respectfully,

Your obedient servant,

JOHN W. DODD,

Auditor of State.

On motion by Mr. Hunter,

The communication was referred to the committee on ways and means.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Hunter,

A petition from sundry members of the Associated Reformed Churches of Monroe county, in reference to the consolidation of church property.

On motion by Mr. Hunter,

The petition was referred to a select committee of five.

Messrs. Hunter, Stanfield, Prosser, Shields and Sherman were appointed said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Robinson, from the committee on the sinking fund, made the following report:

MR. SPEAKER:

The committee on the judiciary, to who was referred House bill No. 1, "A bill to provide for the payment of the January installment of interest on the State debt," have had the same under consideration, and a majority of said committee have directed me

to report the same back to the House, and ask that it be referred to the committee on ways and means.

Which was concurred in, and the bill referred to the committee on ways and means.

Mr. Hamilton, of Boone, moved that Messrs. Johnston and Nebeker, of Vermillion, be added to the select committee on House bill No. 29;

Which was agreed to.

On motion by Mr. Hunter,
Mr. Whetzel was added to the committee on swamp lands.

RESOLUTIONS.

Mr. Griffin offered the following resolution :

Resolved, That the committee on swamp lands, to whom was referred the Calumet dam bill, be requested to report the same back to the House.

Mr. Thompson, of Madison, moved to lay the resolution on the table,

Which was not agreed to.

The question then being on the adoption of the original resolution.

It was agreed to.

On motion by Mr. Ritter,

Resolved, That the committee on agriculture be instructed to inquire into the propriety of extending the privilege and authority of the managers of camp meetings to the Board of State and County Agricultural Societies, so that they may have power to prohibit or regulate, at their own discretion, all huckstering, side shows, &c., within some specified limits.

On motion by Mr. Waterman,

Resolved, That the committee on county and township business be instructed to inquire whether the expense of assessing the personal property of this State would not be much lessened by having but one assessor in each county, with a deputy or deputies in case of necessity, and whether the assessments would not be more equal. And be it further

Resolved, That said committee be instructed to inquire into and report to this House, at as early a day as possible, whether the
8—H J.

real estate could not be appraised by such assessor, with much less expense than by having an appraiser expressly for that purpose, and whether said appraisement could not probably be done as well.

Mr. Harrison offered the following resolution:

Resolved, That the committee on the organization of courts of justice be instructed to inquire into the expediency of redistricting the State, and changing the number of supreme judges to either three or five, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Harney,

Resolved. That the committee on the judiciary be instructed to inquire into the following matters, and report at their earliest convenience:

First. Under the provisions of article eight of the constitution, sections two and three, has the State the right to make use of the common school fund, or any of the proceeds thereof, for the purpose of paying the ordinary expenses of the government?

Second. Under the provisions of article eight of the constitution, has the State the implied right to be a preferred borrower of the trust funds, fixing its own time for payment, and the rate of interest, and what should be the nature of the obligation on the part of the State, for the repayment of those funds with interest?

Third. Should the Superintendent of Public Instruction become fully convinced that the money raised under the provisions of the second section of an act entitled an "act to provide for a general and uniform system of common schools and school libraries, and matters properly connected therewith," approved June 14th, 1852, is not being applied to the purposes specified in the law, would it be his duty or any other persons, to resort to process in law, to compel the payment of the money to the purpose for which it was raised.

Fourth. Under the provisions of section five of an act entitled an "act prescribing the duties of Governor," approved May 27th, 1852, is the Governor, Auditor and Treasurer of State authorized to make loans of money, extending payment two, three or four years, and should the legislature determine to borrow money for the times above mentioned, would it not be necessary to enact a new loan bill, defining the nature of the obligation, issue the amount to be borrowed, the time of payment and the rate of interest; and if such a law is necessary in order to make the loan, would it comport with section five, article ten of the constitution of the State.

The following, offered by Mr. Davis on yesterday, as an additional rule of the House, was taken up, to-wit:

"Any member introducing a bill, which shall be referred to any one of the standing committees, shall during the consideration of such bill, be a member of the committee to which such bill may have been referred."

Which,

On motion by Mr. Davis,

Was laid on the table.

Mr. Snyder offered the following resolution:

Resolved. That the trust funds of the State, or any part thereof, should not, under any circumstances, be applied to meet casual or other deficits in the public revenue.

Which was not agreed to.

On motion by Mr. Colgrove,

Resolved, That the committee on the sinking fund be instructed to inquire into the expediency of the passage of a law, providing for the liquidation of the debt due the sinking fund from the State, and to provide by law for the compounding of the interest on said loans to the State by and from said fund, from the date of said loans, and report by bill or otherwise.

On motion by Mr. Dobbins,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of providing for a thorough geological survey of the State, and that they report by bill or otherwise.

The Speaker appointed Messrs. Brotherton, Hall of Rush and Row, to serve as special committee under the resolution offered by Mr. Brotherton, on yesterday.

On motion by Mr. Harrison,

Resolved, That two additional gentlemen be added to the committee on county and township business.

Messrs. Johnston and Harney were appointed on said committee.

BILLS INTRODUCED.

By Mr. Blythe,

No. 40. A bill to relieve Nathan Rowly of Vanderburgh county, from the consequences of certain legal proceedings had, and a judgment rendered in the Vanderburgh circuit court, at its Sep-

tember term, A. D. 1847, in an action wherein the State of Indiana on the relation of Bracket Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner and sundry other persons his sureties as such, were defendants.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

No. 41. A bill to punish the giving of false certificates, and the making of false and fraudulent appraisements in certain cases therein named.

Which was read a first time, and passed to a second reading.

By Mr. Hunter,

No. 42. A bill to establish courts of common pleas, defining their jurisdiction and duties, and providing compensation for the judge and prosecuting attorney thereof, and to repeal an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof," approved May 14, 1852, and to repeal all other acts inconsistent herewith.

Which was read a first time and passed to a second reading.

By Mr. Hunter,

No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands and donations of personal property.

Which was read a first time and passed to a second reading.

On motion by Mr. Jones,
The House adjourned until Monday afternoon, 2 o'clock.

MONDAY, 2 o'clock, }
December 6, 1858. }

The House met.

The journal was read and approved.

Messrs. Hall of Rush, Hancock and Massey asked and obtained leave to have their names recorded on the call of the House, on Saturday last.

PETITIONS, MEMORIALS AND REMONSTRANCES.

The Speaker laid before the House a petition from sundry citizens of Rush county, on the subject of education;

Which,

On motion,

Was referred to the committee on education.

On motion by Mr. Edwards,

The rules were suspended, and

Senate bill No. 3. "A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto."

Was taken up, and

On motion by Mr. Edwards,

Referred to the committee on ways and means.

PETITIONS, MEMORIALS, REMONSTRANCES &C., RESUMED.

By Mr. Turpie,

A petition from sundry citizens of the State, asking for the repeal of the game law.

On motion,

Referred to the select committee appointed on that subject.

By Mr. Jefferis,

A petition from sundry citizens of the State, in reference to taking toll on turnpikes, plank roads, &c., on the first day of the week.

On motion by Mr. Jefferis,

Referred to a select committee of three.

Messrs. Jefferis, Harrison and Turpie were appointed said committee.

REPORTS FROM STANDING COMMITTEES.

Mr. Turpie, from the committee on fees and salaries, made the following report:

MR. SPEAKER:

The committee on fees and salaries, to whom House bill No. 26, was referred by the House for consideration, have had the same under advisement and have unanimously instructed me to report

the same back and recommend its indefinite postponement. The object of the bill is to compel parties who have legal publications to make, to insert them in the newspaper having the largest circulation in the county, and a proceeding is to be instituted before the board of commissioners to determine which has the largest circulation. The present law gives a discretion to the officer or person required to give any notice, to select such newspaper as he pleases for that purpose. And your committee is of the opinion that it is the best way, that the change proposed in the bill, would have no good effect, which would not be overbalanced by the evils accompanying it. There are many reasons why an officer should be allowed to select his own medium for publication, and not be forced to patronize a press selected for that purpose by the county board. Besides, the struggle attending the contest for the public printing would be of a most disagreeable character; the county presses would be in a continual broil and quarrel on the subject. It is true the bill provides that the costs shall be paid by the contesting parties, and as far as mere costs were concerned that provision might answer; but there would be the continued bickerings of the parties, the malevolence of their respective friends, efforts to evade the law, all expensive in any community, and to be avoided if possible. As to that part of the bill fixing the rates of public printing, your committee already think the matter sufficiently guarded by the free competition prevailing under the present system, that all checks against monopoly is exorbitance.

Which report was concurred in, and the bill indefinitely postponed.

RESOLUTIONS.

On motion by Mr. Turpie,

Resolved, That the select committee on the subject of the public printing, be instructed to inquire into the transactions of the office of State printer, during the term of the several incumbents since the creation of the office, relative to the rates, rules, and customs which have prevailed in the business of said office and that they embody the result of said investigation in any report they may make to the House upon this subject.

Mr. Miller, offered the following resolution:

Resolved, That the judiciary committee be requested to inquire into the expediency of abolishing the grand jury system, and report by bill or otherwise.

Which was not agreed to.

On motion by Mr. Kempf,

Resolved, That the committee on temperance inquire into the propriety of establishing a license law, pertaining to liquor, which shall be no less than \$25.00 nor more than \$500.00, and that the petitioners for such a license, shall hand in with the required fee, a petition signed by eight or ten of his neighbors, vouching for said petitioner's good moral character, and orderly conduction of his house, said committee to report by bill or otherwise.

On motion by Mr. Massey,

Resolved, That there be printed a sufficient number of the reports of a geological reconnoissance and survey of the State of Indiana, made in the years 1837 and 1838, by David Dale Owen, M. D., geologist of the State of Indiana, to be distributed as follows: One copy to each member and officer of the House, one copy to each senator and officer of the Senate, ten copies to be placed in the State library, and one copy in each and every township library in the State; to be sent with the acts of the present session to the different county seats.

Mr. Miller offered the following resolution:

Resolved, That the committee on ways and means are hereby directed to inquire into the expediency of so amending our assessment laws, as to make it necessary only for auditors of counties to place the amount of State tax levied, in an aggregate column, instead of, as at present, placing the amounts assessed for the benevolent institutions, sinking fund, &c., in separate columns.

Which was not agreed to.

Mr. Clements offered the following resolution:

Resolved, That this House will, with the concurrence of the Senate, adjourn without delay on Monday the 13th instant, at 10 o'clock, A. M.

Mr. Edwards moved to amend as follows. *Provided*, a law in regard to the re-appraisement of real estate, be first enacted.

Which was accepted by the original mover.

Mr. Colgrove moved to lay the resolution on the table.

Messrs. Dobbins and Knowlton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Boxley, Branham, Brotherton, Col-

grove, Collier, Comstock, Cotton, Davisson, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Scott, Sherman, Shields, Stiles, Stinson, Thompson of Elkhart, Treadway, White-man, Wildman and Mr. Speaker—38.

Those who voted in the negative were,

Messrs. Blythe, Bowman, Boyd, Carr, Cavins, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Harney, Hancock, Harrison, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Prosser, Rynerson, Shockley, Smith of Perry, Snyder, Stanley, Stanfield, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Waterman, Wheeler and Wood—52.

So the resolution was not laid on the table.

Mr. Branham offered the following amendment:

Amend by adding the following: "And that other business as recommended by the Governor, shall be acted upon and disposed of."

Which was agreed to.

The question then recurring on the adoption of the resolution as amended;

It was agreed to.

Mr. Edwards moved to reconsider the vote on the resolution offered by Mr. Massey in regard to printing the report of Owen's Geological Survey of the State,

Which was agreed to.

The question then recurring on the adoption of the resolution, Messrs. Branham and Cotton demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Dobbins, Massey, Smith of Perry, Stanley and Tebbs—5.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne,

Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Snyder, Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whiteman, Wildman, Woods and Mr. Speaker—\$4.

So the resolution was not agreed to.

BILLS INTRODUCED.

By Mr. Carr,

No. 44. A bill to repeal the seventy-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real estate, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Which was read a first time and passed to a second reading.

By Mr. Prosser,

No. 45. A bill to legalize the location, vacation and change of public highways,

Which was read a first time and passed to a second reading.

By Mr. Turpie,

No. 46. A bill to fix the time of holding and the length of the sessions thereof of the boards of township trustees in the several counties of this State, and repeal section 2 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Clements,

No. 47. A bill declaring what shall be a sufficient seal to deeds of conveyance, and other written instruments therein named, and to cure the defects in the execution of deeds and other written instruments heretofore executed,

Which was read a first time and passed to a second reading.

By Mr. Clements,

No. 48. A bill to repeal section 10 of an act entitled "an act to establish courts of conciliation, to prescribe rules therein, and compensation of judges thereof," approved June 11, 1852,

Which was read a first time and passed to a second reading.

By Mr. Robinson,

No. 49. A bill regulating the remission of forfeited recognizances,

Which was read a first time and passed to a second reading.

By Mr. Nebeker, of Warren,

No. 50. A bill defining the misdemeanor of an assault,

Which was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 35. A bill to amend an act entitled "an act to provide for the selection and empanneling of petit jurors in the Court of Common Pleas, and providing compensation therefor," approved March 1st, 1853, being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation thereof," approved May 20th, 1852,

Was read a second time.

Mr. Prosser offered the following amendment:

Strike out all after the enacting clause, and insert in lieu thereof as follows:

That section 1st of an act entitled "an act for the selection of petit jurors for the Court of Common Pleas," approved March 1st, 1853, which reads as follows, to wit:

That on the fourth Monday before the commencement of any term of the Court of Common Pleas of any county, the treasurer, auditor and recorder of such county, or a majority of them, shall proceed to select a petit jury of twelve reputable male householders, or free-holders, of said county, to serve at the next ensuing term of said Court; and that said officers in selecting, and said clerk in issuing process for said jurors, and that the Sheriff in serving the same, shall in all things be governed by the rules and regulations prescribed for the selection of petit jurors in the Circuit Court, as set forth in the act to which this is supplemental,"

Be so amended as to read as follows:

Whenever a party shall demand a trial by jury, the Sheriff shall select from the bystanders twelve reputable male householders, or free-holders, of said county, who shall serve as such jurors.

Which was agreed to.

On motion,

The bill, as amended, was referred to the judiciary committee.

No. 36. A bill to amend the first section of an act entitled "an act providing for extending the terms of Circuit Courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the Court or judge to call and hold special terms, and fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same,

Was read a second time.

On motion,

Referred to the committee on the judiciary.

No. 37. A bill to provide the time and manner of electing United States Senators.

Was read a second time.

Mr. Dobbins moved that the bill be referred to a select committee of three;

Which was not agreed to.

Mr. Harney moved to refer to the committee on the judiciary;

Which was agreed to.

No. 38. A bill legalizing the acknowledgments of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerk of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties.

Was read a second time and ordered to be engrossed.

No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding money in a judiciary capacity, or the sureties of any or either of them.

Was read a second time and ordered to be engrossed.

No. 40. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had and a judgment rendered in the Vanderburgh Circuit Court, at the September term, A. D. 1847, in an action wherein the State of Indiana, on the relation of Bracket Mills, School Commissioner, was plaintiff; and the said Nathan Rowley, former School Commissioner, and sundry other persons, his sureties as such, were defendants.

Was read a second time.

Mr. Dobbins moved to refer the bill to a select committee of three.

Mr. Nebeker, of Warren, moved to refer to the committee on education ;

Which was not agreed to.

The question then recurring on the motion of Mr. Dobbins ;
It was agreed to.

Messrs. Dobbins, Blythe and Stanfield were appointed said committee.

No. 41. A bill to punish the giving of false certificates, and the making of false and fraudulent appraisement in certain cases therein named.

Was read a second time, and

On motion,

Referred to the committee on the sinking fund.

No. 42. A bill to establish courts of common pleas, defining their jurisdiction and duties, and providing compensation for the judge and prosecuting attorney thereof, and to repeal an act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judge thereof, approved May 14, 1852, and to repeal all other acts inconsistent therewith.

Was read a second time.

On motion,

Referred to the committee on organization of courts of justice.

No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands and donations of personal property.

Was read a second time, and

On motion,

Referred to the select committee, composed of Messrs. Hunter, Stanfield, Prosser, Shields and Sherman.

On motion by Mr. Harney,

The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, {
December 7, 1858: }

The House met.

The journal was read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Branham, from the committee of ways and means. made the following report:

MR. SPEAKER:

The committee of ways and means, to whom was referred Senate bill No. 3, entitled "a bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto, have had the same under consideration, and recommend that the 13th section be amended so as to read "each appraiser shall, on or before the fourth Monday of May next, after his appointment or election, make out, and deliver, &c," and when so amended, recommend its passage.

The report was concurred in, and

On motion by Mr. Stanfield,

The bill was laid on the table and made the special order of the day for to-morrow at 2 o'clock, P. M.

Mr. Boyd, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was referred House bill No. 22, have had the same under consideration, and have instructed me to report that in their judgment said bill conflicts with the Constitution of the State of Indiana, as set forth in article fourth, section twenty-first, said committee therefore report the following as a substitute and recommend its passage:

A bill providing for the re-appraisement of the unsold school lands in cases therein named.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That after the expiration of the term of five years from and after any appraisement and offer of sale of any lands in this State belonging to any township for school purposes, and such

lands remain unsold, it shall be lawful to re-appraise, sell and dispose of said lands in the same manner that they would have been, had such lands not been previously offered for sale.

SEC. 2. Whereas there are in some of the townships of this State, lands belonging to such townships for school purposes, which have been offered for sale, and which yet remain unsold, and there are doubts existing as to the right of said townships to have said lands re-appraised and again offered for sale under any law of this State. Therefore, it is declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

Mr. Prosser moved to amend by striking out the emergency clause;

Which was agreed to.

On motion by Mr. Stanfield,
The bill was recommitted to the committee on education.

Mr. Scott, from the committee on fees and salaries, made the following report :

MR. SPEAKER:

The committee on fees and salaries, to whom was referred House bill No. 7, a bill to amend section 3 of an act entitled "an act to provide for the election and prescribing certain duties of recorders, approved May 31, 1852," have had the same under consideration, and direct me to report the same back to the House, and recommend its indefinite postponement, as in the opinion of the committee, legislation on the subject is inexpedient.

Which was not concurred in.

Mr. Colgrove moved to refer the bill to a select committee of five, with the following instructions :

"To allow the recorder a fee for making a complete index to the record, not exceeding ten cents for each one hundred words employed in making index, to be allowed by the county boards."

Mr. Blythe moved to amend the instructions as follows :

"To amend by inserting a provision authorizing the recorder to demand and receive five cents for the indexing of each instrument required by law to be recorded, to be paid by the party offering the same for record."

Mr. Prosser moved to lay the proposed instructions and amendment thereto on the table.

Mr. Davis moved to amend by including the bill in the motion to lay on the table.

Messrs. Scott and Durham demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowman, Boxley, Branham, Cavins, Collier, Cotton, Davisson, Davis, Durham, Devol, Firestone, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jefferis, Johnston, Jordan, Kelly, Kempf, Lawhead, McLain, Mansfield, Martin, Nebeker of Vermillion, Parks, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Snyder, Stanley, Stanfield, Tebbs, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Blythe, Boyd, Brotherton, Carr, Claypool, Clayton, Clements, Colgrove, Comstock, Dobbins, Dougherty, Early, Eastham, Edwards, Gifford, Hunter, Jones, Knowlton, Lewis, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Smith of Perry, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Widman and Wood—41.

So the motion prevailed.

The question then recurring on the motion as amended to lay the bill with the motion to refer to a select committee and pending instructions, on the table,

Messrs. Murray and Durham demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowman, Boxley, Branham, Cavins, Clayton, Collier, Cotton, Davisson, Davis, Durham, Devol, Firestone, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harrison, Hartley, Johnston, Jordan, Kelly, Kempf, Lawhead, McLain, Mansfield, Martin, Nebeker of Vermillion, Parks, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Snyder, Stanfield, Tebbs, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Blythe, Boyd, Brotherton, Carr, Claypool, Clements, Colgrove, Dobbins, Dougherty, Early, East-

ham, Edwards, Gifford, Griffin, Hamilton of Wayne, Hunter, Jeffers, Jones, Knowlton, Lewis, Massey, Mellett, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Stanley, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Wildman and Wood—43.

So the motion was agreed to.

RESOLUTIONS.

On motion by Mr. Dobbins,

Resolved, That the committee on banks be instructed to inquire into the expediency of so amending the present banking system of the State as to prevent the issuing and circulating of bills of a less denomination than five dollars, and also to prevent the circulation of bills of a similar denomination in this State from other States; and that said committee be permitted to report by bill or otherwise.

On motion by Mr. Colgrove.

Resolved, That the committee on roads and highways inquire into the expediency of so amending the road law as to abolish road districts in incorporated towns, and to place the road work in such towns under the immediate supervision of the town council, and report by bill or otherwise.

On motion by Mr. Gordon,

Resolved, That the committee on the judiciary be instructed to inquire—

1st. Whether the General Assembly has power, by law, to reduce the width of the Michigan Road.

2d. Whether the State is under legal obligation, by treaty with the Indians, or otherwise, to keep said road in repair; and if so, whether such obligation does not require that a bridge should be built across White River where said road crosses the same in the county of Marion.

And that they report the result of such inquiry at as early a day as practicable.

On motion by Mr. Miller,

Resolved, That the committee on ways and means are hereby directed to inquire into the expediency of so amending our assessment laws as to make it necessary only for auditors of counties to place the amount of State tax levied in an aggregate column, in-

stead of, as at present, placing the amounts assessed for Benevolent Institutions, Sinking Fund, &c., in separate columns.

Mr. Devol offered the following resolution :

Resolved, That the committee on fees and salaries be and they are hereby instructed to report a bill without unnecessary delay, providing—

1st. For the reduction of the fees of the clerks of the Circuit Courts at least one-fourth.

2d. For the reduction of the fees of all sheriffs in this State at least one-fourth.

3d. For the reduction of the fees of all county treasurers in this State at least one-fourth.

4th. For the reduction of the fees of all county auditors in this State at least one-fourth.

5th. And for the reduction of the fees of all county recorders in this State at least one-fourth.

Which was not agreed to.

On motion by Mr. Smith of Perry,

Resolved, That the respective Superintendents of the Benevolent Institutions of this State are directed to inform this House, as soon as the facts can be obtained, of the relative costs *per capita* of supporting similar institutions in the United States. Such information to be given in tabular form, showing number of managers, instructors and employees; cost of general management, of subsistence, of clothing, and of all other expenses; and also the character of and receipts from the labor performed at such institutions.

Mr. Devol offered the following resolution :

Resolved, That the Committee on county and township business be and they are hereby instructed to report a bill without delay providing, among other things—

1st. For the reduction of the township expenses at least three-fourths, by reducing the number of township trustees in each township to one; said trustee to discharge the duties of township treasurer and township clerk.

2d. That said trustee shall have the management and direction of the public schools in his township, and receive in full for all his services while actually engaged as such trustee, a sum not exceeding one dollar and fifty cents per day.

Mr. Austin moved to strike out "one" and insert "three,"

Which was not agreed to.

H. J.—9.

Mr. Devcl modified his resolution by the unanimous consent of the House, as follows, to wit :

Resolved, That the committee on county and township business be and they are hereby instructed to report a bill at an early day providing for doing away with the present mode of doing township business, and providing in its stead a cheaper system—one that will not cost over one-third of the amount of the present system.

Mr. Austin moved that the House do now adjourn,
Which was not agreed to.

On motion by Mr. Murray,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Collier moved to suspend the order of business and take up Senate Bill No. 31 and accompanying message,
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof :

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.

In which the concurrence of the House is requested.

Senate bill No. 31. A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.

Was read a first time.

Mr. Collier moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—85.

Mr. Sullivan voting in the negative.

So the rules were suspended and the bill was read a second time by its title, and passed to a third reading.

The question pending at the adjournment, being on the adoption of the following resolution, viz:

Resolved, That the committee on county and township business, be and they are hereby instructed to report a bill at an early day, providing for doing away with the present mode of doing township business, and providing in its stead a cheaper system, one that will not cost over one third of the amount of the present system.

Mr. Robinson called for the previous question.

Which was seconded by the House.

So the main question was ordered.

The question being on the adoption of the resolution,

Messrs. Colgrove and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Smith of

Miami, Smith of Perry, Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Madison, Usrey, Whetzel and Wood—75.

Those who voted in the negative were,

Messrs. Austin, Boxley, Comstock, Cotton, Jones, Knowlton, McLain, Major, Merrifield, Murray, Power, Ritter, Shields, Stanley, Tebbs, Thompson of Elkhart, Treadway, Waterman, Wheeler and Wildman—20.

So the resolution was agreed to.

On motion by Mr. Dobbins,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so amending the law regulating the duties of county surveyors, as to provide for the creation and maintainance of an office at the county seat of each county, and that it shall be the duty of all county surveyors to keep the books, plats, and field notes, at said office, for the instruction and investigation of the citizens of the county and of all persons having an interest in the same, and that said committee be permitted to report by bill or otherwise.

On motion by Mr. Collier,

Resolved, That the committee on temperance inquire into the propriety of establishing a license law pertaining to liquors, which shall be no less than fifty dollars, nor more than five hundred dollars, and the petitioner for such a license, shall hand in with the required fee, a petition signed by twelve of his neighbors, vouching for his good character and the orderly government of his house. Said committee report by bill or otherwise.

On motion by Mr. Murray,

Resolved, That the committee on the judiciary inquire into the expediency of repealing that part of the law for the collection of the revenue of this State, which requires county treasurers to visit each township in their several counties for the collection of taxes.

On motion by Mr. Knowlton,

Resolved, That we do not deem it expedient to remodel our present system of doing township business at this short session, but will defer it until the regular session.

Mr. Hamilton of Boone, from the committee on swamp lands obtained leave and made the following report:

MR. SPEAKER:

The committee on swamp lands, to whom was referred House bill No. 32, "a bill in relation to the Calamet feeder dam," have in accordance with the resolution of this House, instructed me to report the same back to the House.

Mr. Stiles moved to refer said bill to a select committee of five; Which was agreed to.

Messrs. Stiles, Griffin, Colgrove, Hamilton of Boone, and Austin, were appointed said committee.

BILLS INTRODUCED.

By Mr. Robinson,

No. 51. A bill to authorize the continuance of all bills, joint resolutions and other business remaining unfinished at the close of the present extra session of this General Assembly, to the next regular session thereof, so that the same may be passed and completed from the stage thereof, at which it may be left at the close of the present session.

Which was read a first time and passed to a second reading.

By Mr. Jefferis,

No. 52. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the power of such consolidated company.

Which was read a first time and passed to a second reading.

By Mr. Gordon,

No. 53. A bill to authorize the publication of certain decisions of the Supreme Court, and the purchase of six hundred copies thereof by the State,

Which was read a first time and passed to a second reading.

By Mr. Austin.

No. 54. A bill to amend the fifteenth and ninety-first sections of an act entitled "an act to establish a bank with branches," which passed the House March 3, 1855, the Governor's objections to the contrary notwithstanding.

Which was read a first time and passed to a second reading.

On motion by Mr. Murray,

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
December 8, 1858. }

The House met.

The journal was read and approved.

The Speaker appointed Messrs. Claypool and Martin, to serve on the committee on the organization of courts of justice, under the resolution passed by the House several days since.

On motion by Mr. Merrifield,

Messrs. Scott and Sherman were added to the select committee on the game law.

PETITIONS, MEMORIALS, REMONSTRANCES, &C.

By Mr. Hall, of Rush,

A petition from T. C. Gilpin, of Rush county, in relation to fees of prosecuting attorneys.

On motion by Mr. Hall, of Rush,

The petition was referred to the committee on ways and means.

REPORTS FROM STANDING COMMITTEES.

Mr. Clements, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 15, entitled "an act to amend the four hundred and forty-fifth, four hundred and fifty-third and four hundred and fifty-fifth sections of an act entitled an act to revise, simplify and abridgethe rules, practice, pleading and forms in civil cases, in the courts of this State, to abolish district forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction of law and equity," approved June 18, 1852," have had the same under consideration, and instruct me to report the same back to the House and recommend its indefinite postponement.

The report was concurred in, and the bill indefinitely postponed.

Mr. Mellett, from the committee on the judiciary, made the following report ;

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 11, entitled "an act repealing the second section of an act entitled 'an act to authorize the formation of new counties, and to change county boundaries,' approved March 7, 1857," have had the same under consideration, and instruct me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill was ordered to be engrossed.

Mr. Rynerson, from the committee on agriculture, made the following report :

MR. SPEAKER :

The committee on agriculture, to whom was referred a resolution upon extending the privileges and authority of the boards of agriculture, &c., have had the same under consideration, and direct me to report the following bill to the House and recommend its passage.

Which was concurred in.

No. 55. A bill to regulate the holding of agricultural fairs and other public meetings, and to prevent frauds upon agricultural societies.

Which was read a first time and passed to a second reading.

Mr. Treadway, from the committee on agriculture, made the following report :

MR. SPEAKER :

The majority of the committee on agriculture, to whom was referred a joint resolution, concerning a grant of land for agricultural colleges, have had the same under consideration, and direct me to report said joint resolution to the House, amended by striking out all that refers to United States Senators, and recommend the adoption of the same so amended.

J. W. RYNERSON,
G. W. TREADWAY,
A. BOXLEY,
SYLVANUS DAVISSON.

Mr. Tebbs, from the same committee, made the following minority report :

MR. SPEAKER :

The minority of the committee on agriculture, to whom was referred the joint resolution to instruct our Senators and request our Representatives in congress, to use their influence to secure a grant of land for agricultural colleges, are opposed to striking out that part which refers to Senators, and recommend the passage of the original joint resolution.

W. TEBBS,
J. KELLY, SR.,
C. WHEELER.

Mr. Dougherty moved to lay the majority report on the table ;
Which was not agreed to.

Mr. Dobbins moved to indefinitely postpone the majority report.
Messrs. Dobbins and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Carr, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—42.

Those who voted in the negative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davisson, Devel, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Melleit, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Ryner-son, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Mr. Speaker—50.

So the motion did not prevail.

Mr. Scott moved to lay the whole subject on the table.

Messrs. Waterman and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Comstock, Cotton, Davis, Dobbins,

Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Mansfield, Melleit, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Prosser, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Usrey, Wheeler, Whiteman, Wildman and Wood—69.

Those who voted in the negative were,

Messrs. Austin, Boxley, Colgrove, Collier, Davisson, Dougherty, Griffin, Hall of Rush, Hamilton of Wayne, Major, Miller, Nebeker of Warren, Power, Ritter, Robinson, Rynerson, Tebbs, Treadway, Turpie, Waterman, Whetzel and Mr. Speaker—22.

So the reports and accompanying joint resolution were laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Dobbins, from a select committee, to whom was referred House bill No. 40, made the following report, viz:

MR. SPEAKER:

The committee, to whom was referred House bill No. 40, being a bill for the relief of Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and a judgment rendered in the Vanderburgh Circuit Court, at the September term of said Court, in the year 1847, in an action wherein the State of Indiana, on the relation of B. Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and others his sureties, were defendants, have had the same under consideration, and after a careful examination of all the facts in reference to the case, have instructed me to report the same back to the House and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Hunder, from a select committee, made the following report:

MR. SPEAKER:

Your committee, to whom was referred House bill No. 43, "a bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands

and donations of personal property," have had the same under advisement, and direct me to report the same back to the House and recommend its passage.

The report was concurred in.

Mr. Stanfield moved to amend the bill by striking out the emergency clause;

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Griffin, from the select committee to whom was referred House bill No. 32, made the following report:

MR. SPEAKER:

The committee to whom was referred House bill No. 32, a bill to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana, by the crection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana," approved March 7, 1857, have had the same under consideration, and have instructed me to report the same back to the House and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

Mr. Jefferis, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the petition of Enos Thomas and others, have had the same under consideration, and ask leave to report the following bill and recommend its passage.

Which was concurred in.

No. 56. A bill to authorize all persons to travel on plank, McAdamized and gravel roads free from toll in going to and returning from church or public worship on the Sabbath day.

Was read a first time and passed to a second reading.

Mr. Nebeker, of Vermillion, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 29, entitled "an act to fix the time for holding the circuit court in the

eighth judicial circuit, and repealing all laws in conflict therewith," have had the same under consideration, and directed me to report the same back to the House and recommend that it be laid on the table.

Which was concurred in, and the bill was laid on the table.

Mr. Merrifield, from a select committee, made the following report:

MR. SPEAKER :

The committee, to whom was referred House bill No. 34, for the repeal of the thirty-sixth section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," have had the same under consideration, and have instructed me to report the same back and recommend that it lie on the table. Your committee do this, not because they are unfavorable to the subject matter of said bill, but because they anticipate the introduction, at an early day, of another bill, which will better answer the ends proposed to be attained by the bill under consideration, and supercede the necessity thereof, all of which is respectfully submitted,

Which was concurred in, and the bill laid on the table.

RESOLUTIONS.

Mr. Row offered the following preamble and resolution:

WHEREAS, the present crowded condition of our State prison, making a new one necessary, is owing greatly to the numerous convictions by the United States Court, of persons violating the laws of the United States, many of whom are officers or employees of the General Government, therefore,

Resolved, That the committee on the States prison be instructed to inquire into the propriety of charging the United States for such use of our State prison, or requiring the United States to help build or enlarge our prison.

Which was agreed to.

Mr. Devol offered the following resolution:

Resolved, That the committee on fees and salaries be instructed to report a bill reducing the fees of all clerks of the circuit courts in this state, at least one-fourth.

Mr. Turpie moved to amend by inserting members of the General Assembly.

Mr. Prosser moved to amend by including all officers.

Mr. Griffin moved to lay the resolution and pending amendments on the table,
Which was agreed to.

On motion by Mr Murray,

Resolved, That the committee on rights and privileges of the inhabitants of this State be instructed to inquire into the expediency of reporting amendments to the Constitution, to be submitted to the people, granting to incorporated towns and cities, and to civil townships, the right to levy taxes for school purposes.

Mr. Durham offered the following resolution :

Resolved, That the committee on education inquire into the expediency of changing the school law, so as to let each county retain the amount of taxes she may collect, and pay out the same, and report by bill or otherwise.

Mr. Dougherty moved to lay the resolution on the table,
Which was agreed to.

On motion by Mr. Kempf,

Resolved, That the committee on the rights and privileges of the inhabitants of the State, inquire into the expediency of requiring all venders of patent medicines, excepting physicians and druggists, to pay a license for the privileges of selling such articles, (patent medicines,) said committee to report by bill or otherwise.

On motion by Mr. Hartley,

Resolved, That the committee on county and township business be instructed to inquire what change should be made in the mode and manner of assessing the personal property of this State, with leave to report by bill or otherwise.

On motion by Mr. Griffin,

Resolved, That the Treasurer of State is hereby required to immediately furnish a statement of the amount of swamp land funds paid into his office, more than has been disbursed according to law, belonging to the swamp land fund of Lake county.

BILLS INTRODUCED,

By Mr. Dobbins,

No. 57. A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real

and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21st, 1852.

Which was read a first time and passed to a second reading.

By Mr. Scott,

No. 58. A bill to provide for the payment of costs in criminal actions, to enforce the collection of the same, and to repeal the 169th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Parks,

No. 59. A bill to repeal the 13th paragraph of section 22, of the 4th article of the constitution of the State of Indiana, and to amend the 1st section of the 8th article of the constitution of the State of Indiana, and to repeal section 8 of the 8th article of the constitution of the State of Indiana.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Wayne.

No. 60. A bill to amend the 6th section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Blythe,

No. 61. A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof.

Which was read a first time and passed to a second reading.

HOUSE BILLS ON THIRD READING.

No. 18. A bill to amend section eighteen of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecutions," approved May 29, 1852.

Was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Brotherton,

Carr, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Jones, Johnston, Jordan, Keefer, Kelly, Kempf, Lewis, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81.

Those who voted in the negative were,

Messrs. Edwards, Lawhead, McLain, Snyder, Stanfield, Turpie and Wheeler—7.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 19. A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branhams, Brotherton, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whitzel, Whiteman, Wildman, Wood and Mr. Speaker—91.

No one voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 28. A bill to prescribe the time, place and manner of electing United States Senators.

Was read a third time,

Mr. Dobbins moved to recommit the bill to the committee on the judiciary, with the following instructions:

"To strike out the emergency clause."

Mr. Davis moved to amend as follows:

Amend by striking out the 6th section, and insert the following in lieu thereof:

That whereas, there is no law now in force providing for the election of United States Senators, in the opinion of this General Assembly an emergency exists for the immediate taking effect of this act; therefore the same shall take effect and be in force from and after its passage.

On motion by Mr. Davis,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The question pending at the adjournment, being on the amendment proposed by Mr. Davis, to the instructions offered by Mr. Dobbins.

On motion by Mr. Blythe,

The subject matter under consideration, was made the special order of the day for to-morrow at 2 o'clock, P. M.

The hour having arrived, the House proceeded to consider the

SPECIAL ORDER. OF THE DAY.

Senate Bill No. 3. A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.

Mr. Stanfield moved to amend as follows:

Amend section 3 by inserting after the word "lots," in the fourth line the following words: "railroads and their superstructures, plank roads, turnpike road, Macadamized road, canal, except the Wabash and Erie Canal, and toll bridges belonging to private individuals and private corporations,"

Which was agreed to.

On motion,

The House resolved itself into a committee of the whole on the bill under consideration.

Mr. Edwards in the chair.

After being in session some time, the committee rose and made the following report, through their chairman:

MR. SPEAKER:

The committee of the whole House, to whom was referred Senate bill No. 3, entitled "a bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto," have considered the same as prescribed by rule, adopted sundry amendments thereto, herewith submitted, in which the concurrence of the House is recommended, and the committee ask to be discharged.

Amend the first section by striking out the proviso, and insert: "Said appraisers, and such as shall be elected under the provisions of this act, shall have power to appoint deputies, who shall take the same oath required of their principal, to be endorsed on the certificate of appointment."

Amend section third as follows: Insert the words "or elected" after the word "appointed" in the first line, third section.

Amend first line section four, after the word "appointed" to read "or elected."

Amend fourth section and the first line by adding the words "or elected" after the word "appraiser."

Amend the fifth section by inserting after the word "appointment," in the third line, the words "or election."

Amend the fifth section by striking out the proviso in said section, commencing in line 11 and ending with line 12.

Amend the sixth section by inserting after the word "situation," in the eleventh line, the following words: "The said appraiser shall also, on actual view, make a true valuation of all

lands used or held by railroad companies for road-bed, depot, or station grounds, gravel pits, switches, and side tracks, and all railroad tracks, depot buildings, and other superstructures thereon, according to the same rule herein provided for ascertaining the value of other real property, and he shall, in the same manner, make a true valuation of all Macadamized roads, plank roads, turnpike roads, and canals, other than the Wabash and Erie Canal, and also all toll-bridges belonging to private persons or private corporations."

Add to ninth section as follows: *Provided*, That there shall be deducted from the lands owned by any person, as shown by such deed or survey, the amount of the same occupied by any railroad, canal, or public highway.

Amend section 14th by striking out the word "taxes" in the last line, and insert in its place the word "appraisements."

Amend by striking out "fifty" in the second line of the 19th section and inserting "twenty-five."

Add to section twenty-four the following: And especially sections thirty-two, thirty-three, thirty-four and thirty-five of an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852, be and the same are hereby repealed.

The amendments were then concurred in as a whole.

The amendments were then ordered to be engrossed, and the bill passed to a third reading.

Mr. Kempf moved that the House do now adjourn,
Which was not agreed to.

Mr. Austin moved that the order of business be suspended and Senate bill No. 3, a bill to provide for the appraisement of real estate, and prescribing the duties of the officers in relation thereto, be read a third time now,

Which was agreed to.

On motion by Mr. Keefer,
The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
December 9, 1858. }

The House met.

Mr. Turpie moved that the reading of the journal be dispensed with;

Which was not agreed to.

The Journal was then read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on elections, made the following report:

MR. SPEAKER:

The committee on elections, to whom was referred the contested election case, wherein Caleb W. Edwards is contestor and John B. Firestone is contestee, from the counties of Huntington and Whitley, have had the same under consideration, and have directed me to submit the following resolution:

Resolved, That the committee on elections be empowered to commission some person or persons in the county of Huntington or Whitley, who shall be empowered to have witnesses summoned to take depositions in the above contested election case, in the counties aforesaid, and with power to compel the attendance of witnesses and the production of papers.

The report was concurred in and the resolution agreed to.

Mr. Boyd, from the committee on education, made the following report:

MR. SPEAKER:

The committee on education, to whom was recommitted House bill No. 22, entitled a "bill providing for the re-appraisement of the unsold school lands in the State," have had the same under consideration, and authorize me to report the following amendment, and when so amended, to recommend its passage:

Strike out all after the enacting clause and insert the following:

That after the expiration of the term of five years, from and after any appraisement and offer of sale of any lands in this State,

belonging to any township for school purposes, and such lands remain unsold, it shall be lawful to re-appraise, sell, and dispose of said lands, in the same manner that they would have been, had such lands not been previously offered for sale.

SECTION 2. Whereas, there are in some of the townships of this State, lands belonging to such township for school purposes, which have been offered for sale, and which yet remain unsold; and there are doubts existing as to the right of said townships to have said lands re-appraised and again offered for sale under any law of this State, therefore, it is declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect and be in force from and after its passage.

The report was concurred in, and the bill, as amended, was ordered to be engrossed.

Mr. Mellett, from the committee on banks, made the following report, viz:

MR. SPEAKER:

The committee on banks, to whom was referred House bill No. 9, entitled "an act to prevent the circulation of unauthorized paper currency," together with a proposed amendment, have had the same under consideration, and have directed me to report the same back to the House, and recommend that the proposed amendment be layed on the table. And that the bill be amended by striking out all after the enacting clause, and insert the following:

Strike out all after the enacting clause, and insert the following in lieu thereof:

That any and all bills, bonds, notes, or other paper of any denomination whatever, issued by any person or persons, company, corporation or association, or any agent or officer of any company, corporation or association, in this State, either in the form of certificates, or receipts for the deposit of money, currency or bank notes, or of promise to pay to the bearer, or any specified person, any sum in money, currency or bank notes, made in the similitude of bank notes, for the purpose of being used as a circulating medium, or substitute for bank notes, shall be deemed fraudulent and void.

SEC. 2. Any person who shall, either upon his own account or as agent or partner, of any person or persons or as agent or officer of any company, corporation or association, issue or put into circulation or cause to be put in circulation, any bills, bonds, notes, certificates, receipts, or other paper, made in the similitude of bank notes, for the purpose or design that the same may be used as a

circulating medium, or substitute for bank notes, as in the preceding section specified, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum, not less than one hundred nor more than one thousand dollars, to which may be added imprisonment in the county jail for any period of time not exceeding six months for each and every such offense.

SEC. 3. Any person or persons, or partner of any firm, or any individual member or members of any company, corporation or association, who, after the taking effect of this act, shall issue or put into circulation, contrary to the provisions of this act, any fraudulent and void paper as specified, in the first section of this act, and shall fail or refuse to pay and redeem the same on presentation and demand therefor, shall as a separate and distinct offense from that specified in the second section of this act, be guilty of a misdemeanor, and upon conviction thereof shall be fined for each and every such failure, or refusal to pay and redeem any such paper as aforesaid, in any sum not less than the amount specified upon the face of any such paper so presented for payment, and not exceeding two-fold of the amount so specified as aforesaid, to which may be added imprisonment in the county jail for any period of time not exceeding thirty days.

SEC. 4. Any solvent person or persons, or any solvent individual member or members of any firm, company, corporation or association, who before the taking effect of this act, shall have issued and put into circulation any such paper as is specified in the first section of this act, and who shall fail or refuse to pay and redeem the same upon presentation, and demand for the payment thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall for each and every such failure or refusal, to pay and redeem the same, be punished in the same manner as specified in the third section of this act.

SEC. 5. The fact that any such paper, the issue and circulation of which is prohibited by this act, is in circulation, shall be a *prima facie* evidence, that the person or persons, or agent, or officer, of any company, corporation, firm or association, whose name or names may be signed thereto, issued and put the same into circulation.

SEC. 6. In prosecutions under the fourth section of this act, it shall not be necessary for the State to prove that the defendant is solvent; but the insolvency of the defendant shall be a matter of defence to be proved by the defendant; but nothing herein shall be so construed as to make insolvency any defense to prosecutions under the second and third sections of this act.

SEC. 7. Nothing in this act shall be so construed, as in any

manner to interfere with banking privileges of any and all banks authorized by law to carry on the banking business, nor to make any person liable to punishment, who, either on his own account, or as agent or officer of any such bank, so authorized by law as aforesaid, may be employed in making and issueing the bills and notes of such banks, nor to prevent the circulation, or render void, any of the notes or bills of any such banks so authorized by law as aforesaid.

The report was concurred in, and the amendment agreed to.

Mr. Baird moved that the bill be laid on the table,
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has refused to concur in the following concurrent resolution of the House:

Resolved, That this House will, with the concurrence of the Senate, adjourn without day, on Monday the 13th instant, at 10 o'clock, A. M., provided a law in regard to the re-appraisement of real estate be first enacted; and that other business as recommended by the Governor, shall be acted upon and disposed of.

Mr. Scott, from the committee on banks, made the following majority report:

MR. SPEAKER :

The committee on banks, to whom was referred a resolution instructing the committee to inquire into the expediency of so amending the present banking system of the State, as to prevent the issueing and circulating of bills of a less denomination than five dollars, and also to prevent the circulation of bills of a similar denomination in this State from other States, and that said committee report by bill or otherwise; have had the same under consideration and directed me to report to the House, that in the opinion of the committee, legislation on the subject would be inexpedient.

MELLETT,
McLAIN,
ROBINSON,
SMITH, of Miami.

Messrs. Bowman and Shields, from the same committee, made the following minority report, viz:

MR. SPEAKER:

The undersigned, the minority of the committee on banks, respectfully dissent from the report of the majority of the committee upon the resolution referred to them in regard to small bills, or bank notes of a less denomination than five dollars, being circulated in this State, and for these reasons: They believe that if the small bank bills were prohibited from being used as a circulating medium in this State, it would have the effect of drawing forth the coin in the country, and putting it in circulation, and would entirely prevent the continued passing of small counterfeit bills; and that such a law would be productive of great good to the citizens of Indiana, by protecting them from imposition, both from persons at home and banks from abroad.

J. A. BOWMAN,
J. I. SHIELDS.

The question being on concurring in the report of the majority of said committee,

Mr. Davis moved to refer the reports of the majority and minority to the committee on the judiciary, with instructions to inquire into the authority of the Legislature on the subject,

Which was agreed to.

REPORTS FROM SELECT COMMITTEES.

Mr. Blythe, from a select committee, made the following report:

MR. SPEAKER:

The select committee to whom was referred House bill No. 5, to amend the sixth section and to repeal the seventh clause of the seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852, have had the same under consideration, and have directed me to report the same back, with the accompanying amendments; and, when so amended, they recommend its passage.

Amend by striking out sections two and three.

Amend further by inserting the following additional section:

SEC. —. Be it further enacted, that the third clause of section seven of said act, which reads as follows, to wit: "*Third*, Abandonment for one year, or for a less period if the court shall be satisfied that reconciliation is improbable," be amended to read as follows: "*Third*, Abandonment for one year."

The report was concurred in and the amendments agreed to.

Mr. Clements moved to recommit to the committee, with the following instructions: "To report a bill repealing all laws authorizing divorces to be granted in this State, and providing a reasonable support for wives abandoned by their husbands,"

Which was not agreed to.

Mr. Murray moved to recommit with the following instructions: "To strike out 'one year's residence' and insert 'two years' residence' where it occurs."

Messrs. Murray and Hunter demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Boyd, Boxley, Gregory, Hall of Grant, Hunter, Kelly, Knowlton, Lawhead, Lewis, Miller, Murray, Martin, Parks, Ritter, Row, Rynerson, Shields, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Whiteman and Wildman—25.

Those who voted in the negative were,

Messrs. Baird, Black, Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jefferis, Johnston, Jones, Jordan, Keifer, Kempf, McLain, Major, Mansfield, Mellett, Merrifield, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Powers, Prosser, Robinson, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Thompson of Madison, Turpie, Usrey, Wood and Mr. Speaker—70.

So the motion did not prevail.

Mr. Austin moved to recommit with the following instructions: "To set forth all the causes for which divorces shall be granted."

Mr. Robinson moved to lay the whole subject on the table,
Which was not agreed to.

Mr. Colgrove moved to reject the instructions offered by Mr. Austin, as being in conflict with the amendment just agreed to by the House,

Which was agreed to.

Mr. Clements moved to recommit the bill with the following instructions: "To insert a clause providing that no divorce shall be

granted to persons where the cause originated in another State, unless by the laws of the State where the cause originated, a divorce is authorized to be granted."

Mr. Scott moved to amend the instructions as follows: "To so amend the seventh clause of section seven as to make it read "for any cause which the court shall deem in fraud of the marriage contract."

Mr. Griffin moved the previous question,
Which was seconded by the House.

The question then being, shall the main question be now put?
It was agreed to.

The question then being on the adoption of Mr. Scott's amendment,

It was not agreed to.

The question then recurring on the motion of Mr. Clements,

Messrs. Murray and Austin demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Bowman, Boyd, Boxley, Cavins, Clements, Collier, Comstock, Davisson, Firestone, Gregory, Hall of Rush, Hamilton of Boone, Hunter, Johnston, Keefer, Kelly, Kempf, Miller, Murray, Martin, Nebeker of Warren, Ritter, Rynerson, Shields, Shockley, Tebbs, Thompson of Elkhart, Thompson of Madison, Waterman, Whetzel and Wildman—32.

Those who voted in the negative were,

Messrs. Baird, Black, Blythe, Branham, Brotherton, Carr, Claypool, Clayton, Colgrove, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Fordyce, Gifford, Griffin, Hall of Grant, Hamilton of Wayne, Hancock, Harrison, Hartley, Jefferis, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Robinson, Row, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Treadway, Turpie, Usrey, Wheeler, Whiteman, Wood and Mr. Speaker—64.

So the motion did not prevail.

The bill was then ordered to be engrossed.

RESOLUTIONS.

On motion by Mr. Dobbins,

WHEREAS, Our present law regulating the duties of Agent of State is not sufficiently guarded; therefore, be it

Resolved, That the committee on ways and means be instructed to inquire into the expediency of creating a registry, by which it shall be made the duty of some one, to register each certificate after it passes out of the hands of the Agent of State before it becomes valid, and that said committee be instructed to report by bill or otherwise.

Mr. Devol offered the following resolution:

Resolved, That the committee on fees and salaries be and they are hereby instructed to report a bill reducing the fees of all county auditors in this State at least one-fourth.

Mr. Firestone moved to lay the resolution on the table.

Messrs. Devol and Jordon demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Branham, Brotherton, Carr, Claypool, Clayton, Clements, Collier, Comstock, Davisson, Dobbins, Early, Eastham, Firestone, Gifford, Hall of Rush, Hamilton of Wayne, Kempf, Knowlton, Lawhead, Lewis, Major, Mellett, Merrifield, Miller, Murray, Nebeker of Vermillion, Nelson, Newton, Parrett, Power, Prosser, Scott, Sherman, Shields, Smith of Perry, Snyder, Stiles, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wood and Mr. Speaker—52.

Those who voted in the negative were,

1 Messrs. Boxley, Cavins, Colgrove, Cotton, Davis, Dougherty, Durham, Devol, Edwards, Fordyce, Gregory, Griffin Hall of Grant, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Keefer, Kelly, McLain, Mansfield, Martin, Nebeker of Warren, Parks, Robinson, Row, Rynerson, Shockley, Smith of Miami, Stanley, Stanfield, Tebbs, Waterman, Wheeler, Whetzel and Wildman—42.

So the resolution was not laid on the table.

On motion by Mr. Stinson,

Resolved, That the Doorkeeper be instructed to subscribe for and lay upon the table of each member of this House two copies of the Weekly Indiana American, properly enveloped and stamped.

On motion by Mr. Ritter,

Resolved, That the committee on fees and salaries be instructed to revise the laws regulating fees and salaries so as to make them more equitable, and to make the proceeds of the several offices more nearly equal to the amount of labor and responsibility connected therewith, reducing such as now receive too much, and advancing those that receive too little for their labor.

On motion by Mr. Row,

Resolved, That the committee on the judiciary be, and they are hereby requested, to inquire into the expediency of changing the law, regulating the approval of constables' bonds, as to authorize such approval to be made by the trustees of the respective townships.

On motion by Mr. Hartley,

Resolved, That the committee of ways and means be instructed to so change the assessment laws that each tax payer may deduct his indebtedness from money on hands, or at interest, or from his personal property.

On motion by Mr. Whetzel,

Resolved, That the committee on the rights and privileges be instructed to inquire into the expediency of passing a law prohibiting any person or persons from throwing into any of the running streams of this State, any dead hogs which may have died of cholera, or any other dead animal or animals, and report by bill or otherwise.

On motion by Mr. Griffin,

Resolved, That the committee on the organization of courts are hereby instructed to inquire into the expediency of extending the jurisdiction of justices of the peace in all civil cases, to three hundred dollars, and report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Keefer,

No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters.

Which was read a first time and passed to a second reading.

Mr. Miller moved that the House do now adjourn ;
Which was not agreed to.

By Mr. Early,

No. 63. A bill to amend section one of an act entitled "an act to provide compensation to the owners of animals killed or injured by cars, locomotives, or other carriages of any railroad company in this State," approved March 1, 1853.

Which was read a first time and passed to a second reading.

HOUSE BILLS ON THIRD READING

No. 11. A bill to repeal the second section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7, 1857.

Was read a third time,

By the unanimous consent of the House, the emergency clause was stricken out.

The question being, shall the bill pass?

Those who voted in the affirmative were, '

Messrs. Baird, Black, Blythe, Boyd, Branham, Brotherton, Carr, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Johnston, Jones, Kelly, Knowlton, Lawhead, Lewis, Mansfield, Mellett, Merrifield, Miller, Nelson, Newton, Parrett, Prosser, Scott, Sherman, Shields, Shockley, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Wood—54.

Those who voted in the negative were,

Messrs. Bowman, Cavins, Davis, Devol, Edwards, Fordyce, Hamilton of Boone, Harney, Harrison, Hunter, Kempf, McLain, Major, Murray, Martin, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Smith of Miami, Snyder, Summers, Treadway, Waterman and Mr. Speaker—30.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr Collier moved that the order of business be suspended and Senate bill No. 31 be taken up ;

Which was agreed to.

Senate bill No. 31. A bill to fix the time of holding the common pleas court in the county of Bartholomew ;

Was read a third a third time.

The question being shall the bill pass ?

Those who voted in the affirmative were.

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major,³ Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—92.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr, Durham moved that the House do now adjourn.

Which was not agreed to.

House bill No. 22. A bill providing for the re-appraisement of the unsold school lands in the State ;

Was read a third time.

The question being, shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford,

Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—91.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hancock moved that the House do now adjourn;
Which was not agreed to.

No. 32. A bill to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet Feeder Dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana, by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana," approved March 7, 1857.

Was read a third time,

Mr. Power moved that the House do now adjourn.
Which was not agreed to.

The question being, shall the bill pass?

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, McLain, Major, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields

Shockley, Smith of Miami, Smith of Perry, Stiles, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—82.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Austin,
The House adjourned until 2 o'clock. P. M.

2 O'CLOCK, P. M.

The House met.

The hour having arrived the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

House bill No. 28. A bill to prescribe the time, place and manner of electing United States Senators.

On motion by Mr. Blythe,
The bill was laid on the table.

Mr. Blythe moved to suspend the order of business and take up Senate bill No. 28, and accompanying message ;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 28. A bill to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election ;

Was read a first time.

Mr. Branham moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes were taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Jefferis, Jones, Johnston, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Eastham, Firestone, Hancock, Harney, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Merifield, Nelson, Newton, Prosser, Shockley, Smith of Perry, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—39.

So the rules were not suspended.

HOUSE BILLS ON THIRD READING.

No. 38. A bill legalizing the acknowledgments of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerk of the circuit and common pleas courts of this State, after the reception of the Revised Statutes of 1852, in their respective counties.

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Cavins, Claypool, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hancock, Harney, Harrison, Hunter, Johnston,

Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Row, Scott, Sherman, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—74.

Those who voted in the negative were,

Messrs. Colgrove, Gregory, Hall of Grant, Hamilton of Wayne, Jefferis, Mansfield, Power, Ritter, Robinson, Smith of Miami, Treadway and Wheeler—12.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding money in a judiciary capacity, or the sureties of any or either of them.

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffries, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman Wood and Mr. Speaker—96.

No one voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 40. A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had and a judgment rendered in the Vanderburgh Circuit Court, at the September term, A. D. 1847, in an action wherein the State of Indiana, on the relation of Bracket Mills, School Commissioner, was plaintiff; and the said Nathan Rowley, former School Commissioner, and sundry other persons, his sureties as such, were defendants.

Was read a third time.

The question being, shall the bill pass?

Mr. Gregory demanded the previous question,
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question then being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Boyd, Boxley, Branham, Carr, Cavis, Claypool, Clayton, Clements, Colgrove, Davisson, Davis, Dobbins, Dougherty, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hancock, Harney, Harrison, Jones, Jordan, Kempt, Knowlton, Lawhead, Major, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Rynerson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Turpie, Waterman, Whetzel, Whiteman, Wood and Mr. Speaker—60.

Those who voted in the negative were,

Messrs. Anstin, Bowman, Boyd, Brotherton, Collier, Comstock, Cotton, Durham, Early, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hartley, Hunter, Johnston, Keefer, Kelly, Lewis, McLain, Mellett, Parks, Prosser, Ritter, Robinson, Row, Shields, Sheckley, Stiles, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler and Widdman—34.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands and donations of personal property.

Was read a third time.

H. J.—11.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lewis, McLain, Major, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—*Si.*

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

JOINT RESOLUTIONS ON THIRD READING.

No. 3. A joint resolution instructing our Senators and requesting our Representatives, to use their influence in favor of the constructing a canal around the falls of the Ohio river;

Was read a third time.

On motion by Mr. Edwards,

The joint resolution was laid on the table.

SENATE BILLS ON THIRD READING.

No. 3. A bill to provide for the appraisement of real estate and prescribing the duties of the officers in relation thereto;

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Foxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dough-

erty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—93.

Those who voted in the negative were,

Messrs. Edwards, Nebeker of Warren and Waterman—3.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

On motion by Mr. Davis,

The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
December 10, 1853. }

The House met.

The Clerk proceeded to read the journal,
When,

On motion by Mr. Merrifield,
The further reading was dispensed with.

PETITIONS, MEMORIALS, REMONSTRANCES, &c.

The Speaker laid before the House,

A petition from Charles T. Noble, in relation to the affairs of the Insane Hospital.

On motion by Mr. Jeffers.

The petition was referred to the committee on benevolent institutions.

REPORTS FROM STANDING COMMITTEES.

Mr. Hunter, from the committee on ways and means, made the following report, viz:

MR. SPEAKER:

The committee on ways and means, to whom was referred so much of the Governor's message, as relates to the levying of a tax for the year 1858, have had the same, in connection with our finances, under advisement, and directed me to make the following report:

Your committee, in considering the propriety of levying a tax for the present year, were naturally led to inquire into the financial condition of the State, in connection therewith, which they have done, so far as they were enabled by the reports of the Auditor of State, and submit the following as the result of their labors:

There were outstanding on the 1st day of November, 1858, of her foreign debt, 413 bonds of \$1,000 each making,	\$413,000
The amount of interest due thereon to same date,	370,175
Total,	<u>\$783,175</u>

The State is liable for full amount of said bonds and interest, unless they shall be surrendered under the act ceding the Wabash and Erie canal to the bondholders of the State, if so surrendered, then only for one half of each. Most of the creditors now holding said bonds, refuse to surrender under said act. Including full amount of said bonds and interest, the liabilities of the State are as follows, to-wit:

Amount of said bonds and interest,	\$783,175 00
Amount of 5 per cent. State stock not redeemed, ...	5,162,500 00
Amount of 2½ per cent. State stock not redeemed, ..	1,803,701 00
Amount of Vincennes University bonds,	66,585 00
Amount due school fund for advances from sinking fund,	1,100,342 67
Amount due sinking fund,	165,000 00
Amount due swamp land fund,	145,410 57
Amount due school fund,	186,861 64

Amount due State debt sinking fund,.....	105,715 32
Amount due township library fund,.....	1,792 00
Amount due other trust funds,.....	50,000 00
Amount due Shelby county for tax illegally collected,	2,076 63
	<hr/>
Making in all,.....	\$9,964,969 83

To meet the ordinary and extraordinary expenditures of the State for 1859, as estimated by the Auditor, will require,.....	\$559,335 10
To meet the ordinary and extraordinary expenditures of the State for 1860, as estimated by the Auditor, will require.....	473,985 10
	<hr/>
	\$1,033 320 20

Which estimates of the Auditor, your committee at present are not prepared to say are correct, but they will be able to give the House full information on the subject, so soon as they can complete their present investigations. For the purposes of this report, however, they will take them as correct.

It is desirable that all the expenses of the State should be met during the next year as they mature. Yet it is not absolutely necessary that they should be, except the interest on the state debt, and a sufficient amount of the current expenses to keep the asylums and State government in healthy operation.

The Legislature in 1857, having failed to levy a tax for revenue, the State officers, in order to carry on the government, appropriated the trust funds then remaining in the treasury for that purpose, amounting in all as shown in report of auditor to \$189,779 53. But these proving insufficient to meet the demands in the treasury and to pay the July instalment of interest on the State debt for 1858 a loan for \$165,000 was negotiated with the sinking fund commissioners. There is now remaining in the treasury, of available means, about \$89,000. The treasurer not being able to give exact amount, which will be required to meet the current expenses of the State. To pay the January instalment of interest on the State debt, it will be absolutely necessary to negotiate a loan, as in the judgment of your committee, it would be an impossibility for the present Legislature to levy and collect a tax in time to meet it.

It being certain that a loan must be negotiated for that purpose, and as no other money will be imperatively needed for the year 1859, except the July instalment of interest on the State debt, and whatever balance may be required over and above the amount now in the treasury to carry on the State government and keep open the asylums.

It is in the judgment of your committee unwise and inexpedient, under existing circumstances, to levy and collect a tax for the

year 1858, to meet said expenses. And that it would be better to negotiate a loan from the sinking fund to meet the July installment of interest, and the balance that may be required for current expenses, and let the residue remain unpaid until they can be met out of the revenue of 1859. And they urge in support of their conclusions the following reasons :

First. Taxes imposed for the support of our State government, should bear equally upon its citizens, and in proportion to the value of their taxable property. So evident is this proposition, that all must admit its truth and acknowledge its justness. When the present assessment of the real estate of Indiana was made, many of its most fertile counties were comparatively new with small improvements, and no outlets to market to render their lands valuable. In consequence of which, the same were appraised at nominal prices; since which time they have been traversed by the great thoroughfares of the State, opening to them fine markets for their produce, and inviting thither a wealthy and industrious people, who have brought them under a high state of cultivation, and they are now among the most valuable lands of Indiana. While upon the other hand in older portions of the State, where the lands were appraised at a much higher price, improvement has not gone on so rapidly, and the lands are worth but little more now than then; while the lands in the new counties have more than tripled in value. The levy of a tax, therefore, under the present assessment, would require the citizens owning lands in older counties to pay a greater part thereof, in proportion to the value of their lands, than in the new, which in the judgment of your committee, would be an act of great injustice.

Second. Your committee are aware that it is urged as a reason against negotiating a loan, that by so doing you create a new debt, to which the people of Indiana are opposed. But it must be remembered that the debt has already been created, and now it only becomes a question of policy as to how it shall be paid. All admit that it must be met. And the only way it can be, is by either negotiating a loan, which can be done at six per cent., or by levying a tax. To levy a tax under the present appraisement, the burden would fall upon the people unequally. And more, the cost of levying a tax under present circumstances, placing it upon the duplicate, and collecting the same, would amount to a much larger sum than the interest on a loan.

Third. The failure of crops and the great commercial crisis, which has fallen upon the country during the past season, has brought upon the people hard times, rendering them almost unable to meet their own liabilities; not expecting a tax to be levied, and making no preparations to meet it; the people, in the judgment of your committee, are unwilling, under the appraisement,

and illly prepared, under the pressure of the times, to respond to the call for taxes at this time, and would much prefer that the demands of the treasury be met by a temporary loan until a reappraisement of the lands can be made, so that the burthens of the State may rest equally upon all.

Your committee, from all the information they have received, feel satisfied that the taxable property, under the new appraisement for 1859, will not fall short of \$450,000,000. A levy thereon of twenty cents upon the hundred dollars, and fifty cents upon the poll for 1859, and a levy of fifteen cents upon the hundred dollars, and fifty cents upon the poll for 1860, with a proper amendment of the collecting law, so as to make it efficient, will raise an amount of revenue in the two years sufficient to pay all the expenses of the State during that time, and leave a surplus sufficient to pay the liabilities of the State, that will have been created to meet the deficiencies of 1857 and 1858. That the above levy will be sufficient to defray the expenses of the State, and release her from her present embarrassments, brought about by the failure of the Legislature to provide revenue for 1857 and 1858, will appear manifest from the following, showing:

20 cents upon the \$100 for 1859 on \$450,000,000	
makes	\$900,000 00
50 cents upon the poll (estimating 200,000 polls).	100,000 00
15 cents upon the \$100 for 1860 on \$450,000,000	675,000 00
50 cents upon the poll (estimating 200,000 polls).	100,000 00
	<hr/>
	\$1,775,000 00
The deficiency for 1858, as shown by	
the auditor's report, amounts to ..	\$552,366 79
Expenses for 1859 and 1860 as estimated by auditor.....	1,033,320 20
The delinquencies of 1859 and 1860	
ought not exceed, if treasurers do	
their duty,	50,000 00
Fees of officers for collecting.....	95,000 00
	<hr/>
	\$1,730,686 99
	<hr/>
Which would leave in the treasury at the close of	
the year 1860	\$44,314 01

It being evident from the above showing that, with the tax proposed, the people can, by the close of the year 1860, have relieved themselves of all their present embarrassments, and at that time be prepared to commence retrieving their State debt.

And your committee believing, that from and after that time seventeen and a half cents upon the hundred dollars, and fifty cents upon the poll (a tax that the people will readily pay) will be

amply sufficient to carry on the State government, and in the course of some fifteen years pay off the entire State debt.

And your committee further believing that ten cents of that amount, and the fifty cents upon the poll (which would make some \$550,000) ought to be sufficient to meet the current expenses of the State, and leave the other seven and a half cents upon the hundred dollars, together with the amount of interest, that will accrue upon the retired portion of the debt, to be annually applied to the payment of the State debt.

In view, therefore, of the above state of facts, your committee would suggest that the present Legislature pass a law to take effect at the close of the year 1860, that from and after that, seven and one-half cents upon the hundred dollars of all the taxes collected, together with the interest on the retired portion of the debt shall be annually applied to the payment of the State debt exclusively.

And to so guard the law with penalties as to ensure a strict compliance therewith, upon the part of the State officers, and by that means the entire debt will be paid off within the next fifteen years, and the people relieved of one of their greatest burthens.

The law cannot be too stringent to compel compliance therewith. In 1852 an additional tax of two cents upon the hundred dollars was levied to be applied, together with the interest on the retired bonds, to the payment of the State debt, yet the law has been disregarded and the funds applied to other purposes.

Your committee, in conclusion, would say, notwithstanding our present financial embarrassment and the heavy pressure of the times upon the country, if this Legislature will do its duty and relieve the people of all the useless burthens resting upon them, and give them a safe, economical and efficient system for the management of their public affairs, they will prove themselves equal to the emergency, and gradually though certainly relieve themselves from all their liabilities.

Mr. Blythe moved that the report be laid on the table, and one thousand copies be printed for the use of the House.

Mr. Martin moved to amend by striking out "one thousand" and inserting "two hundred."

Which was not agreed to.

The question being on the original motion,
It was agreed to.

By unanimous consent,

Mr. Mansfield had leave to record his vote in favor of the passage of the appraisement bill, on yesterday.

Mr. Baird, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 37, entitled "an act to provide the time and manner of electing United States Senators," have had the same under consideration, and the majority of said committee believing that a bill now before the House for the same purpose and which has received the sanction of the committee, contains a better plan for the election of such Senators than the one under consideration, have instructed me to report the same back to the House and recommend its indefinite postponement.

SILAS COLGROVE,
JOHN P. BAIRD,
J. H. MELLETT,
W. H. SCOTT,
ELIHU GRIFFIN,
J. N. STILES.

Mr. Turpie, from the same committee made the following minority report ;

MR. SPEAKER :

The undersigned, a minority of the judiciary committee, to whom was referred House bill No. 37, a bill to provide the time and manner of electing United States Senator, beg leave to return said bill to the House and recommend its engrossment; and we wish expressly to dissent from that part of the report of the majority of the committee, stating that a better bill upon the subject is already before the House for its consideration. On the contrary, we are of the opinion that the bill herewith returned is much fairer in all its provisions than the one referred to by the majority.

It has been the law and uniform usage of this State, and of most of the States of the Union, to elect Senators by joint ballot, in a convention of both branches of the Legislature, as is provided for in the present bill, and we think that the reasons urged for a change in that particular, and for the enactment of the law recommended by the majority, are of such a nature that they commend themselves to the partisan rather than the statesman. The method by which we shall select those who are to represent the majority of the State in the Senate of the Union, is certainly a subject which should exclude the consideration of political differences, and engage the unbiased, disinterested attention of all. A law for that purpose should be the deliberate expression of sentiment of those engaged in the duties of legislation, suited and adapted to all times and occasions—not the result of a momentary excitement, elicited by an emergency really without existence, and manufactured to order. It should be the measure of neither one party nor another, but a measure of justice to all.

For which reason we ask the favorable consideration of the House for the accompanying bill, and advise further action thereon, as above. .

D. TURPIE,
R. A. CLEMENTS, Jr.,
W. F. PARRETT.

The question being on concurring in the report of the majority,

On motion by Mr. Branham.
The whole subject was laid on the table.

Mr. Parks, from the committee on county and township business made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 14, a bill to amend the second section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries," have had the same under consideration, and have instructed me to report back to the House and recommend its indefinite postponement.

On motion by Mr. Turpie,
The report and accompanying bill were laid on the table.

REPORTS FROM SELECT COMMITTEES.

Mr. Brotherton, from a select committee, made the following report:

MR. SPEAKER :

The select committee heretofore appointed to ascertain whether the Auditor of State is entitled to an additional assistance to enable him to answer the various resolutions passed by the House making inquiry of him as to what amount has been paid to the various offices named in said resolutions, have had the same under consideration, and have directed me to report that said committee are of the opinion the said Auditor of State is entitled to additional assistance other than now employed in his office, to enable him to answer said resolutions within the time required by this House, and your committee would therefore recommend the adoption of the following resolution:

Resolved, That the Auditor of State be allowed to employ such additional assistance in his office, not to exceed two clerks, so as to

enable him to answer without delay the various resolutions of this House which have been addressed to him, making inquiry in regard to the amount which has been paid to the various officers named in said resolutions.

The report was concurred in and the resolution agreed to.

The Speaker laid before the House the following communication and accompanying documents from the Superintendent of the Institution for the Education of the Deaf and Dumb:

INDIANA INSTITUTE FOR THE DEAF AND DUMB. }
 • Indianapolis, December 10, 1858. }

To HON. J. W. GORDON,

Speaker of the House of Representatives:

SIR:—Through you, in answer to a resolution of your honorable body, passed the 7th inst., instructing the Superintendent of this Institution, at as early a day as possible, to report the relative cost *per capita* of supporting similar institutions in the United States, embracing in tabular form the number of managers, instructors, and employees, cost of management, subsistence, clothing, and all other expenses; also, the character of and receipts from the labor performed at such institutions, I have the honor to submit the following:

There are in operation in the United States twenty institutions of this class. All of them publish annual or triennial reports, and exchange with each other. We are in possession of the reports of nearly all of them, which contain most of the facts required by the resolution.

In the late number of the "Annals of the Deaf and Dumb" there were published replies to inquiries addressed by the editor to the office of all such institutions in the United States—inquiries the scope of which was similar to that of the resolution before us. The source of our information is undoubted, and the statements may be relied upon as correct in every essential particular.

From the annual reports of these institutions, and from the "Annals of the Deaf and Dumb," we have, so far as our information and the nature of the case would admit, carefully compiled a tabular view of the facts embraced within the scope of the inquiry of the House.

The first column of the table embraces the names of the institutions; second, their location; third, date of foundation; fourth, date of information; fifth, number and designation of managers; sixth, compensation of trustees; seventh, whole number of teachers; eighth, number of teachers deaf mutes; ninth, average number of pupils; tenth, cost of support; eleventh, salaries of offi-

cers and teachers; twelfth, current expenses; thirteenth, cost *per capita*; fourteenth, cost of present buildings and grounds; fifteenth, names of Superintendents; and sixteenth, the shops carried on in connection with each.

All of which is respectfully submitted.

THOMAS MAC INTIRE.

TABULAR VIEW of Institutions for the Deaf and Dumb in the United States of America.

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NAMES.	Location.	Date of foundation.	Date of information.	Number and designation of Managers.	Pay of Trustees	No. of Assistants	No. of Teachers.	No. of Pupils.	Annual cost of salaries, port.	Salaries of Officers and Teachers.	Current Expenses.	Annual cost per capita.	Cost of present buildings and grounds.	Name of Superintendent or Principal.
American Asylum.	Hartford.	1817	1858	15 Directors	.....	14	5	246	\$38,572	\$16,383	\$32,188	\$156	\$69,661	Rev. W. W. Turner.
New York Institution.	New York City.	1818	1858	18 Directors	.....	18	6	302	5,461	15,127	39,934	182	415,000	H. P. Peck, LL. D.
Pennsylvania Institution.	Phil adel phia.	1822	1857	24 Directors	.....	9	3	153	98,074	10,958	17,116	102	17,304	A. R. Hutton.
Kentucky Institution.	Covington.	1823	1857	3 Trustees	.....	5	3	75	14,040	5,653	7,347	173	63,100	John A. Jacobs.
Ohio Institution.	Cincinnati.	1829	1858	3 Trustees	.....	8	3	157	22,910	8,655	14,265	146	35,600	Collins & Co.
Virginia Inst. for D., D., & B.	Richmond.	1839	1855	Board of Visitors.	.....	6	3	125	22,615	.....	.....	181	73,000	J. V. Marillat.
Indiana Institution.	Lidianapolis.	1844	1858	6 Trustees.	.....	4	2	142	22,267	8,400	13,907	154	132,100	Thomas MacIntire.
Tennessee Institution.	Knoxville.	1845	1857	10 Trustees.	.....	4	2	76	11,459	3,469	8,150	166	42,435	A. G. Scott.
N. Carolina Inst. for D., D., & B.	Raleigh.	1845	1850	3 Trustees.	.....	2	3	45	22,100	.....	.....	161	114,000	P. G. Gilliat.
Illinois Institution.	Jacksonville.	1846	1857	6 Commissioners.	.....	2	1	45	9,750	4,900	5,550	276	18,700	S. P. Dunlap.
Georgia Asylum.	Cave Spring.	1849	1857	4 Commissioners.	.....	3	1	24	4,766	.....	.....	200	17,531	N. P. W. Kerr.
S. Carolina Inst. for D., D., & B.	Cedar Springs.	1852	1857	5 Administrators.	.....	.....	.....	.....	14,500	.....	.....	.....	29,000	A. Brown.
Louisiana Institution.	Baton Rouge.	1851	1857	4 Commissioners.	.....	4	4	84	12,339	.....	.....	145	48,500	W. D. Kerr.
Massachusetts Institution.	Fulton.	1852	1857	9 Trustees.	.....	3	2	68	11,150	3,600	7,550	163	11,000	J. S. Oliver.
Wisconsin Institution.	Delavan.	1854	1857	9 Trustees.	.....	3	3	57	7,000	.....	.....	124	38,000	B. M. Fay.
Michigan Institution.	Flint.	1854	1857	9 Trustees.	.....	3	3	47	5,000	.....	.....	.....	.....	W. E. Hines.
Iowa Institution.	Jackson.	1856	1857	.....	.....	1	1	19	6,000	.....	.....	.....	.....	A. Van Nostrand.
Mississippi Institution.	Austin.	1857	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	J. M. Gallaudet.
Texas Institution.	Washington City.	1857	.....	5 Directors.	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

*Paid per diem and mileage.
Two dollars per day actual service and six cents a mile for the distance traveled coming and returning.

On motion by Mr. Harney,

The communication and accompanying documents were laid on the table, and two hundred copies ordered to be printed for the use of the House.

RESOLUTIONS.

On motion by Mr. Martin,

Resolved, That the committee on banks be instructed to inquire into the expediency of prohibiting the banks in this State, from taking and receiving either directly or indirectly, by bills of exchange or otherwise, a greater rate of interest by law individuals may take and receive, and that the committee report by bill or otherwise.

Mr. Snyder offered the following resolution:

Resolved, That all engrossed bills, before they are put upon their final passage, shall be first printed, and one copy thereof placed upon the desk of each Representative.

Mr. Murray moved to lay the resolution on the table;
Which was agreed to.

On motion by Mr. Miller,

Resolved, That the committee on judiciary be instructed to inquire into the fact, as to whether there is such an officer as public printer to the State of Indiana, and report at their earliest convenience.

Mr. Power offered the following resolution:

Resolved, That when the House adjourns, it stand adjourned till Monday, 2 o'clock, P. M.

Messrs. Hunter and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Colgrove, Eastham, Firestone, Harney, Miller, Power, Prosser, Snyder and Stinson—9.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Brauham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty,

Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kompf, Lawhead, Lewis, McLain, Mansfield, Merifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Ritter, Robinson, Row, Ryner-on, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—81.

So the resolution was not agreed to.

On motion by Mr. Turpie,

Resolved. That upon a motion to adjourn, when a division is taken thereon or an objection made thereto, the Clerk shall note upon the journal, the exact time of day the same is made.

BILLS INTRODUCED.

By Mr. Durham,

No. 64. A bill to regulate the sale of spirituous liquors.
Which was read a first time and passed to a second reading.

By Mr. Mansfield,

No. 65. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime; to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act.
Which was read a first time and passed to a second reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Shockley, from the committee on temperance, obtained leave and made the following report:

MR. SPEAKER:

Your committee, to whom was referred various resolutions, instructing the committee to inquire into the expediency and constitutionality of a license law, have had the same under consideration and respectfully submit the following report:

Your committee entertained no doubt of the constitutionality of a license law, but that it is morally wrong to make the State of Indiana a partner in a traffic, that all acknowledge to be wrong,

consequently, in the opinion of a majority of your committee, a license law would be inexpedient at this time.

Mr. Davis moved to re commit to the committee on temperance, with the following instructions:

To report a bill providing for a well regulated license system, for vending spirituous liquors.

Mr. Murray moved to amend the instructions as follows:

Provided. Said committee cannot report any other law, which will secure the same results in curtailing the evils arising from the retail of spirituous liquors.

Mr. Keefer moved to lay the amendment on the table.
Which was agreed to.

Mr. Scott moved to lay the whole subject on the table.
Which was not agreed to.

Mr. Clements called for the previous question,
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question then being on the motion of Mr. Davis.
Messrs. Dobbins and Keefer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Carr, Cavins, Claypool, Clayton, Clements, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Gifford, Griffin, Hancock, Harney, Hartley, Jones Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Merrifield, Miller, Murray, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Row, Sherman, Shields, Shull, Smith of Perry, Snyder, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Wood and Mr. Speaker—64.

Those who voted in the negative were,

Messrs. Austin, Brotherton, Colgrove, Comstock, Cotton, Davis son, Fordyce, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Mellett, Martin, Parks, Power, Ritter, Robinson, Rynerson, Scott,

Shockley, Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Wildman—31.

So the motion to re-commit did prevail.

BILLS INTRODUCED,

By Mr. Edwards,

No. 66. A bill to amend section five and to repeal section ten of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852, and constituting the county auditors as a distinct board of equalization, and fixing the place where each district board shall meet.

Which was read a first time and passed to a second reading.

On motion by Mr. Collier,
The House adjourned until 2 o'clock P. M.

2 o'clock, P. M.

The House met.

BILLS INTRODUCED.

By Mr. Austin,

No. 67. A bill to suppress tippling houses, to punish drunkenness, and to regulate the sale, barter and giving away of spirituous and malt liquors, wine and cider, and to repeal all laws inconsistent therewith.

Which was read a first time and passed to a second reading.

By Mr. Shull,

No. 68. A bill to amend section 9, of an act entitled "an act providing for the election of clerks of the circuit court, and prescribing some of their duties," approved June 7th, 1852,

Which section reads as follows, to-wit:

"Such clerk, at the expiration of his term. shall deliver to his successor all the records, books and papers belong to his office.

Which was read a first time and passed to a second reading.

H. J.—12.

By Mr. Hamilton of Boone,

No. 69. A bill to prevent the illegal removal of deceased persons, and prescribing penalties therefor.

Which was read a first time and passed to a second reading.

By Mr. Cavins,

No. 70. A bill for the relief of Peter Schultz of Greene county, and releasing to him the interest which the State holds in certain real estate.

Which was read a first time and passed to a second reading.

By Mr. Hamilton of Boone,

No. 71. A bill to amend an act to prevent the carrying off the products of soil while attached to the realty, and to prescribe a penalty therefor.

Which was read a first time and passed to a second reading.

REPORTS FROM STANDING COMMITTEES.

Mr. Smith, of Perry, from the committee on ways and means, obtained leave and made the following report:

MR. SPEAKER:

In reporting a bill for the permanent establishment of the board of sinking fund commissioners, for the providing of means to meet the current expenses of the State and the interest on its foreign debt, for the safe keeping of its revenues, and for other purposes designated in the bill, the committee of ways and means have directed me to make the following explanations:

This bill was framed under a peculiar state of circumstances, and to provide for the urgent wants of a treasury nearly exhausted. It is wholly different, in outline and in detail, from that which would have been prevented by the committee, had the treasury been full. The first object in view was the providing funds, by the 24th of this month, sufficient to pay the interest on our foreign debt, maturing on the first day of January next, and to preserve intact, the credit and honor of the State.

It was evident that a loan could not be effected abroad in the intermediate time, even if a foreign loan was regarded as preferable to one obtained at home. The only fund within our reach, ample for our purpose, and peculiarly subject to our control, is that designated in the bill. On examination of its resources, and of its relations to the State, it became obvious that a reliance on its means and its management, until the revenues of the State were sufficient for its current wants, and for the repayment of sums,

taken from this and other trust funds, would be advantageous, not only to the State itself, but also to each and all of these trust funds.

The withdrawal of all money from the hands of the treasurer is evidently expedient, while the State is compelled to pay interest on open account, a suspended debt, or rather an inconceivable investment of nearly \$85,000, to be deducted from cash balance in the treasury, on the 31st day of October, 1858, as reported by the treasurer and auditor, further admonishes us of the expediency as well as the honesty of paying our debts, or any portion of them, when we have the money in hand, and the payment of a certain and liberal salary to that officer, instead of an allowance of perquisites of uncertain amount and of a character liable to suspicion, is certainly most to the dignity of the State and the usefulness of its servant.

It will be borne in mind that under the 113th section of the act establishing the State Bank of Indiana, and the sinking fund, the commissioners of this fund have no power to distribute any portion of its means for school purposes, until the purchase and cancellation of the bank bonds has been effected. All the increment of the fund has been, and for the next two years at least, must be invested in bonds, certificates, mortgage notes or other securities. It is then submitted that no security can be offered to the commissioners of the sinking fund, more safe and advantageous than that proposed by this bill, wherein the loan is predicated on the earliest surplus revenue of the State, which has been shown by a report already made, as ample for its liquidation before April, 1861.

The only alternative of the measure proposed, seems to be the issue of coupon bonds, payable not earlier than July 1st, 1861. The issue of such bonds to an amount sufficient to meet the wants of the State for 1859 and 1860, would be attended with cost and danger—cost, in the manufacture of the bonds and coupons, and in the commissions or salaries of the agents employed in their negotiation—danger in the greater or less transformation of the money proceeds of these bonds into bankers certificates, bills of exchange, or other unavailable cash.

Were such bonds now issued, it is quite probable that the negotiating agents would deem it advisable to throw the whole at once, on a plethoric money market, and accept an offer at par for six per cent. For although loans on call might be effected at $3\frac{1}{2}$ or 4 per cent., a twelve months loan on the best security, could not be had under 6 per cent. In each case, the larger portion of these proceeds would remain idle in the treasury, while interest would be accruing on the bonds. Besides, an issue of a new series of State bonds, while the commissioners of the sinking fund are constantly in the market for the bonds and certificates of the State, would seem to be anomalous and absurd in the extreme.

The re-organization of the sinking fund is, under any circumstances, a matter of present necessity. The commissions of the managers of that fund expire on the first of next month.

In providing for future elections, the committee have had in view the magnitude of the interests involved, and the advantages of a permanent line of policy and action, in reference to those interests. Under the present system a total change might occur at every election. The committee now propose that half of the board shall have the experience and knowledge acquired by at least two years of service.

The expediency of commencing the term of service and official year, subsequent to the adjournment of the electing legislature is apparent. The advantages of the arrangement contemplated by the bill are in brief:

The use of the moneys required and when required, at a fair rate of interest; and the opportunity of repayment at any moment and in any sums; the saving of exchange, and of at least ten thousand dollars a year on the interest account; the use of an organization which has been tried, and whose past operations have evidenced the most careful and efficient management; the taking away from one department all danger of loss, the diminution of risk in another department, and the throwing around both additional securities in bonds and penalties.

In view of the foregoing reasons, and of others equally obvious, the committee on ways and means unanimously recommend the passage of the bill.

House bill No. 72. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation, the safe keeping and disbursements of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State government, and repayment of the moneys borrowed for such purposes, establishing the salary of the State Treasurer and his duties; to punish employees in the management of said funds for making any false drafts, checks, entries or records while in such employment.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That a president and four commissioners of the sinking fund, shall be elected by the General Assembly at the present session thereof, by joint ballot, and hereafter as herein provided.

SEC. 2 Of the commissioners first elected, two shall serve for two years and two for four years.

SEC. 3. On the second Tuesday after the first election, the commissioners elected shall, in the presence of the Governor of the State, determine by lot which of said commissioners shall hold for the long and which for the short term, and the Governor shall issue commissions accordingly.

SEC. 4. The president shall hold his office for the period of four years from and after the first day of April, 1859.

SEC. 5. The said president and commissioners shall each, be-

fore they enter upon the discharge of their duties, enter into bond to be approved by the Governor of the State, in the penal sum of one hundred thousand dollars, conditioned for the faithful discharge of duties; said bonds shall be filed in the office of the Secretary of State, and by him recorded.

SEC. 6. Said board shall have all the powers and discharge all the duties of the old board, and be governed by the laws now in force or which may be enacted in reference thereto.

SEC. 7. They shall appoint a clerk, who shall execute a bond for the faithful performance of his duties, in the penal sum of fifty thousand dollars, and shall, also, before entering upon his duties, take an oath of office. Said board may also elect assistants if necessary, and pay reasonable salaries to such president, clerk and assistants. The said commissioners shall receive three dollars each per day, for every day actually engaged in the discharge of duty, and mileage at the usual rates.

SEC. 8. The president, commissioners and clerks of the sinking fund now in office, and controlling such fund, shall continue as such until the first Monday of April, 1859, on which day the several officers elected under this act, shall enter upon the discharge of their duties. *Provided*, That the said president and commissioners now in office, shall on or before the first day of January, 1859, on which day their present commissions expire, file new bonds for the faithful performance of duty.

SEC. 9. The Legislature, at the session immediately preceding the expiration of the term of service of any officer under this act, the election of which is vested in the General Assembly, elect a successor to the incumbent in the manner aforesaid.

SEC. 10. All officers whose election is provided for by this act shall enter upon the discharge of their duties on the first Monday of April after their election; that is to say, the first Monday of April shall be the beginning of the official term of said officer.

SEC. 11. Said Board of Sinking Fund Commissioners is hereby authorized and directed to pay the checks of the Treasurer of State for such sums as may be required by him for the payment of the current expenses of the State and the interest on its foreign debt, for purposes hereinafter designated; and if the cash means in the said fund should at any time be insufficient therefor, said Board may negotiate or use collaterally any of the securities in its hands, and said Board is hereby empowered to execute any and all instruments which may be necessary for effecting the provisions of this act.

SEC. 12. The Treasurer of State shall, on the 24th day of December, 1858, appropriate all the moneys in his hands toward the payment of the interest on the State debt becoming due on the 1st day of January, 1859, and shall then, on behalf of the State, open a credit for whatever sums may be required to pay the interest on the foreign debt and the current expenses of the State thereafter, and until otherwise provided for by law.

SEC. 13. On the first day of April, 1860, the Treasurer shall check on said Board of Sinking Fund Commissioners for the amount then due the school fund, and on the first day of April, 1861, he shall check on said Board of Sinking Fund Commissioners for the amount then due the swamp land fund.

SEC. 14. After the 24th day of December, 1858, the Treasurer shall deposit all moneys by him received, and whenever received, from sources other than as aforesaid, with said Board of Sinking Fund Commissioners.

SEC. 15. After the 24th day of December, 1858, the Treasurer shall make all payments in checks on said Board of Sinking Fund Commissioners, payable to order of the party or parties to whom such payments are due.

SEC. 16. On the 31st day of December of each year the accounts between the Board of Sinking Fund Commissioners and the treasury shall be adjusted, and the balance of interest on advances and deposits shall be struck, and the treasury shall be debited or credited, as the case may be, with interest at the rate of six per centum per annum.

SEC. 17. Whenever the revenue of the State shall have returned to said Board of Sinking Fund Commissioners all the advances made and to be made by it under this act to the treasury, the Board of Sinking Fund Commissioners shall apply any surplus that may remain in their hands beyond the requisitions of the treasury for the payment of interest and current expenses, to the purchase of the certificates of the foreign debt of the State, if the same can be obtained on reasonable terms, which certificates shall be cancelled at the date of the purchase, and held as the vouchers of said Board of Sinking Fund Commissioners.

SEC. 18. As the present salary attached to the office of Treasurer of State will not be commensurate with his services and responsibilities after the withdrawal of the public funds from his private use, be it further enacted, that from and after the 24th day of December, 1858, the salary of the Treasurer of State shall be at the rate of \$2,000 per annum, and that he be allowed \$600 per annum for clerk hire and stationery, and this shall be in lieu and in full of all salary, per centages, and perquisites now received or collected by him under existing laws.

SEC. 19. Be it further enacted, that if any of the officers in said Board of Sinking Fund Commissioners, or treasury, or employees therein, shall, in the carrying out of the duties specified in this act, make any draft, check, or make any false entry or fraudulent record, knowing it to be such, unauthorized, or in any manner embezzle the funds of the State, such act shall be deemed a felony, punishable by fine of double the amount drawn thereby from said Board of Sinking Fund Commissioners or treasury, and be imprisoned in the penitentiary not less than two nor more than fourteen years.

SEC. 20. Whereas, in the opinion of this General Assembly, an

emergency exists for the immediate taking effect of this act; therefore, it shall take effect and be in force from and after its passage and publication in the *Indiana State Sentinel* and *Indiana State Journal*.

After the reading of which a first time,

Mr. Colgrove moved that the report and accompanying bill be laid on the table, and that there be printed for the use of the House one thousand copies of the report and two hundred copies of the bill,

Which was agreed to.

BILLS INTRODUCED.

By Mr. Hunter,

No. 73. A bill to raise a revenue for State purposes for the years 1859 and 1860,

Was read a first time and passed to a second reading.

By Mr. Cotton,

No. 74. A bill to provide for and secure the rights of married women in real estate,

Was read a first time and passed to a second reading.

On motion,

Mr. Smith of Miami was excused from serving on the committee on trust funds.

The Speaker appointed Mr. Jefferis to fill the vacancy on said committee.

HOUSE BILLS ON THIRD READING.

No. 5. A bill to amend the sixth section, and to repeal the seventh section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13, 1852,

Was read a third time, and the question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Ferdyce, Gifford, Gregory, Grif-

fin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Merrifield, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Row, Rynerson, Robinson, Scott, Sherman, Shields, Shockley, Shu'll, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman Wood and Mr. Speaker—90.

Those who voted in the negative were,

Messrs. Bowman, Clements, Miller and Murray—4.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

SENATE BILLS ON SECOND READING.

Senate bill No. 28. A bill to prescribe the time, place, and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election,

Was read a second time.

On motion by Mr. Branham,

The bill was made the special order of the day for Tuesday next at 2 o'clock, P. M.

Senate bill No. 11. A bill in relation to ventilating, repairing and warming county prisons,

Was read a second time and passed to a third reading.

Senate bill No. 15. A bill to authorize and empower the county commissioners, or board doing county business, in any county to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same,

Was read a second time.

Mr. Turpie moved to amend as follows:

“Strike out the emergency clause,”

Which was agreed to.

Mr. Comstock moved to amend as follows:

Amend section 2 by adding the following: “*Provided, That*

nothing in this act shall be so construed as to affect any plank-road in any manner whatever, when the same has been leased or sold to any person or persons, or corporation, and has been abandoned by any such person or corporation,"

Which was agreed to.

On motion by Mr. Harney,
The bill as amended was referred to the committee on roads.

Senate bill No. 16. A bill for the relief of James O'Brien, and for divesting the title the State may have in certain lands therein described.

On motion by Mr. Miller,
The bill was referred to a select committee of five.

The Speaker appointed Messrs. Miller, Blythe, Hunter, Baird and Edwards as said committee.

Mr. Davis moved to reconsider the vote taken several days since, by which the House adopted a resolution to adjourn from Saturday at 11 o'clock, until Monday at 2 o'clock, during the present session.

Messrs. Hunter and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Blythe, Boxley, Boyd, Brotherton, Cavins, Claypool, Clayton, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Fordyce, Hamilton of Boone, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Lawhead, Major, Mellett, Merrifield, Murray, Martin, Nebeker of Warren, Nelson, Robinson, Rynerson, Shockley, Shull, Stanfield, Tebbs, Thompson of Elkhart, Turpie, Waterman, Wheeler and Whiteman—44.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Bowman, Branham, Carr, Clements, Colgrove, Collier, Edwards, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Hartley, Keefer, Kempf, Knowlton, Lewis, McLain, Mansfield, Miller, Newton, Parks, Parrett, Prosser, Ritter, Row, Scott, Sherman, Shields, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Thompson of Madison, Treadway, Usrey, Whetzel, Whiteman and Mr. Speaker—49.

So the vote was not reconsidered.

On motion by Mr. Griffin,
The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
December 11, 1858. }

The House met.

On motion,
The reading of the journal was dispensed with.

By unanimous consent of the House,
Mr. Edwards moved to reconsider the vote taken on yesterday,
on laying House bill No. 72 on the table ;
Which was agreed to.

No. 72. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation, the safe keeping and disbursements of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and to pay the current expenses of the State government and repayment of the moneys borrowed for such purposes, establishing the salary of the State Treasurer and his duties, to punish employees in the management of said funds, for making any false drafts, checks, entries or records, while in such employment ;

Was read a second time.

Mr. Edwards moved that the bill be laid on the table, and that one thousand copies of the report and two hundred copies of the bill be printed for the use of the House, and that the bill be made the special order of the day for Wednesday next at two o'clock, P. M.

Which was agreed to.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Usrey,

A petition from sundry citizens of Sullivan county, in relation to the time of holding circuit court in said county.

On motion by Mr. Usrey,
The petition was referred to the committee on the organization of courts.

By Mr. Usrey,

A petition from sundry citizens of Sullivan county, in relation to a change in the usury laws.

On motion by Mr. Shull,
The petition was referred to the committee on the rights and privileges of the inhabitants of the State.

REPORTS FROM STANDING COMMITTEES.

Mr. Turpie, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee to whom was referred House bill No. 35, providing a method for the selections of jurors in the court of common pleas, have had the same under consideration, and have unanimously instructed me to report the same back to the House and recommend its indefinite postponement.

The object of the bill is to empower the sheriff to select a jury for said court from among the by-standers, instead of having the county officers make the selection of the same as is now the law. The jury is made, under our present system, a very important instrument in the administration of public justice, we conceive it to be eminently proper that it should be composed, as nearly as possible, of men unbiased and unprejudiced in the matters pending before them. If a selection were to be made wholly from by-standers, it would be comparatively easy for an influential party, by having them in attendance to fill the panel with his friends and retainers. and secure a verdict without regard to the merits of the controversy. The bill would also have the effect to impose additional burdens upon a very patient, enduring and industrious class of our fellow citizens, commonly called "professional jurors," whose labors or numbers, in our opinion, should not be increased.

Mr. Dougherty moved to lay the report and bill on the table;
Which was agreed to.

Mr. Mellet, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred a reso-

lution of the House, directing them to inquire into the fact whether there is such an officer as public printer of the State of Indiana, have had the same under consideration, and have directed me to report to the House, that by section 61, article 6, chapter 6, of the Revised Statutes of 1843, it is declared that there shall be elected triennially, counting from the month of January 1841, by the General Assembly on joint ballot, a State printer, who shall serve for three years, from and after the first day of August next, after his election. That by the 15th clause of the 1st section of an act repealing all former acts of the Legislature, except those therein named, being the 1st section of chapter 92, 1st vol. Revised Statutes of 1852, all laws in force regulating the election and duties of State printer, are especially excepted and continued in force. That on the—day of August, 1856, a vacancy occurred in said office by the expiration of the term of Austin H. Brown. That said vacancy was filled by the appointment of Joseph J. Bingham, by the Governor, agreeably to the 18th section of article 5 of the Constitution, which provides that when during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly, or when at any time a vacancy shall have occurred in any other State office, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified. That said Bingham holds, under a commission from the Governor, authorizing him to hold and perform the duties of said office until his successor is elected and qualified. Your committee are therefore of opinion that there is such an officer as State printer, all of which is respectfully submitted, and the committee ask to be discharged from a further consideration of the subject.

Which was concurred in.

Mr. Scott, from the committee on the judiciary, made the following report:

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of the House, requesting said committee "to inquire into the expediency of so changing the law regulating the approval of constables' official bonds, as to authorize such approval to be made by the trustees of the respective townships," have had the same under consideration, and instructed me to report that in the opinion of this committee, such change would be inexpedient,

Which was concurred in.

Mr. Brotherton, from the committee on rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER :

The committee on rights and privileges, to whom was referred a resolution of this House requiring said committee to inquire into the expediency of requiring all venders of patent medicines, except physicians and druggists, to pay a license for the privilege of selling the same, have had the same under consideration, and have directed me to report that, in the opinion of your committee, legislation on that subject is inexpedient at this time, and your committee ask to be discharged from a further consideration of the subject,

Which was not concurred in.

Mr. Davis moved to lay the report on the table,
Which was agreed to.

RESOLUTIONS.

On motion by Mr. Hunter,

Resolved, That the Doorkeeper sell the pile of old and waste documents in the coal room of this capitol to the paper mill, and report sale to this House instantan.

On motion by Mr. Murray,

Resolved, That so much of the Auditor's report which refers to the present inefficiency of the insurance law, (where companies are doing business in the State regardless of its provisions,) be referred to the committee on the judiciary, with instructions to inquire what further legislation upon that subject is necessary, and report by bill or otherwise.

On motion by Mr. Colgrove,

Resolved, That the committee on fees and salaries be instructed to inquire into the expediency of so amending the law as to provide that the fees and salary, including perquisites, of county treasurers and auditors, shall not exceed fifteen hundred dollars in any one year, and report by bill or otherwise.

BILLS INTRODUCED.

By Mr. Fordyce,

No. 74. A bill to provide for perpetuating the records of surveys of lands in the different counties of this State,
Was read a first time and passed to a second reading.

HOUSE BILLS ON SECOND READING.

No. 44. A bill to repeal the seventy-third section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852,

Was read a second time.

Mr. Murray moved to refer the bill to the committee of ways and means.

Mr. Dougherty moved to amend by referring to the committee on agriculture,

Which was agreed to.

Mr. Turpie asked and obtained leave of absence for Mr. Clements until Tuesday next.

Messrs. Knowlton, Prosser and Martin were also granted leave of absence.

No. 45. A bill to legalize the location, vacation and change in public highways,

Was read a second time.

Mr. Dobbins moved to refer the bill to the committee on roads, with instructions to strike out the emergency clause,

Which was agreed to.

No. 46. A bill to fix the time of holding and the length of the sessions of the board of township trustees in the several counties of this State, and to repeal section 11 of an act entitled "an act for the more uniform mode of doing township business," approved May 6th, 1852,

Was read a second time, and

On motion,

Was referred to the committee on county and township business.

No. 47. A bill declaring what shall be a sufficient seal to deeds of conveyance, and other written instruments therein named, and to cure the defects in the execution of deeds and other written instruments heretofore executed,

Was read a second time, and

On motion,

Was referred to the committee on the judiciary.

No. 48. A bill to repeal section 10 of an act entitled "an act

to establish courts of conciliation, to prescribe rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852,

Was read a second time, and

On motion,

Referred to the committee on the organization of courts.

No. 49. A bill to regulate the remission of forfeited recognizances,

Was read a second time, and

On motion,

Referred to the committee on the judiciary.

No. 50. A bill defining the misdemeanor of an assault,

Was read a second time.

Mr. Keefer moved to refer to the committee on rights and privileges.

Mr. Hamilton of Boone moved to amend by referring to the committee on the judiciary,

Which was agreed to.

No. 51. A bill to authorize the continuance of all bills, joint resolutions and other business remaining unfinished at the close of the present extra session of this General Assembly, to the next regular session thereof, so that the same may be taken up, passed and completed from the stage thereof, at which it may be left at the close of the present session,

Was read a second time, and

On motion by Mr. Dobbins,

Referred to the committee on the judiciary.

No. 52. A bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the power of such consolidated company.

Was read a second time.

Mr. Jefferis moved to refer the bill to the committee on corporations, with instructions to strike out the emergency clause,

Which was agreed to.

No. 53. A bill to authorize the publication of certain decisions of the Supreme Court, and the purchase of six hundred copies thereof by the State,

Was read a second time, and

On motion,

The bill was referred to the committee on public expenditures.

No. 54. A bill to amend the fifteenth and ninety-first sections of an act entitled "an act to establish a bank with branches," which passed the House March 3, 1855, the Governor's objections to the contrary notwithstanding,

Was read a second time.

Mr. Austin moved to refer the bill to the committee on banks.

Mr. Mellett moved to amend by referring to the committee on the judiciary;

Which was not agreed to.

The bill was then referred to the committee on banks.

No. 55. A bill to regulate the holding of agricultural fairs and other public meetings, and to prevent frauds upon agricultural societies,

Was read a second time.

Mr. Murray moved to refer the bill to the committee on agriculture, with the following instructions: "To strike out 'two miles' and insert 'forty rods,'"

Which was not agreed to.

Mr. Hamilton, of Boone, moved to refer to the committee on rights and privileges;

Which was agreed to.

No. 56. A bill to authorize all persons to travel on plank, McAdamized and gravel roads free from toll in going to and returning from church or public worship on the Sabbath day.

Was read a second time.

Mr. Colgrove moved to refer the bill to the committee on corporations.

Mr. Durham moved to amend by referring to the committee on roads;

Which was not agreed to.

The bill was then referred to the committee on corporations.

No. 57. A bill to amend the 143 section of an act entitled "an act to provide for the valuation and assessment of the real and personal estate, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real and personal property, county treasurers and auditors, and the treasurer and auditor of State,"

Was read a second time, and

On motion,
Referred to the committee on the judiciary.

No. 58. A bill to provide for the payment of costs in criminal actions, to enforce the collection of the same, and to repeal the 169th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings, and forms in criminal actions in the courts of this State," approved June 17th, 1852,

Was read a second time, and

On motion,
Referred to the committee on the judiciary.

No. 59. A bill to repeal the 13th paragraph of section 22, of the 4th article of the constitution of the State of Indiana, and to amend the 1st section of the 8th article of the constitution of the State of Indiana, and to repeal section 8 of the 8th article of the constitution of the State of Indiana,

Was read a second time.

Mr. Davis moved that the consideration of this, and all bills with reference to the amendment of the Constitution, be postponed until Thursday next at 2 o'clock, P. M.

Which was agreed to.

No. 60. A bill to amend the 6th section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852,

Was read a second time, and

On motion,
Referred to the committee on county and township business.

No. 61. A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof,

Was read a second time, and

On motion by Mr. Hamilton, of Boone,
Referred to a select committee of five, with Mr. Blythe as chairman.

The Speaker appointed Messrs. Blythe, Hamilton of Boone, Davis, Edwards and Turpie said committee.

No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters,

Was read a second time.

Mr. Branham moved to refer to the committee on elections.

Mr. Keefer moved to amend by referring to the committee on the judiciary.

Which was not agreed to.

The question then recurring on the motion by Mr. Branham,
It was agreed to.

No. 63. A bill to amend section one of an act entitled "an act to provide compensation to the owners of animals killed or injured by cars, locomotives, or other carriages of any railroad company in the State," approved March 1, 1853,

Was read a second time.

Mr. Brotherton moved to refer to the committee on corporations.

Mr. Early moved to amend by referring to the committee on the judiciary,

Which was not agreed to.

The question then being on the motion by Mr. Brotherton,
It was agreed to.

No. 64. A bill to regulate the sale of spirituous liquors,
Was read a second time, and

On motion,

Referred to the committee on temperance.

Mr. Colgrove obtained leave and introduced the following resolution :

Resolved, That the use of this House be tendered to Andrew Jackson Davis, on the evening of the 15th, inst., for the purpose of delivering a public lecture.

On motion by Mr. Thompson, of Madison,
The resolution was laid on the table.

No. 71. A bill to amend an act to prevent the carrying off the products of the soil while attached to the realty, and to prescribe a penalty therefor,

Was read a second time, and

On motion by Mr. Stanfield,
Referred to the committee on the judiciary.

The hour of eleven o'clock, A. M., having arrived, the Speaker declared the House adjourned until 2 o'clock, P. M., under the resolution heretofore adopted by the House.

MONDAY, 2 o'clock,
December 13, 1858. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Summers,

A petition from James R. Lambkin in reference to a certain claim therein mentioned.

On motion by Mr. Dobbins,
The petition was referred to the committee on claims.

By Mr. Gregory,

A petition from sundry citizens of Ohio county, in reference to a change in the road laws.

On motion by Mr. Power,
The petition was referred to the committee on roads.

By Mr. Usrey,

A petition from sundry citizens of Sullivan county, praying for a change in the interest law, making ten per cent. legal, under special contract.

On motion by Mr. Shull,
The petition was referred to the committee on the rights and privileges of the inhabitants of the State.

REPORTS FROM STANDING COMMITTEES.

Mr. Parks, from the committee on rights and privileges of the inhabitants of the State, made the following report :

MR. SPEAKER:

The committee on rights and privileges of the inhabitants of the State of Indiana, to whom was referred House bill No. 27, "a bill to amend the second section of article second of the Constitution

of the State of Indiana, so as to confine the qualifications of an elector to every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during six months immediately preceding such election, and to vote in the township or precinct wherein he may reside," have had the same under consideration, and have instructed me to report the same back to the House, and say that they think legislation on the subject unnecessary, therefore they ask to be discharged from the further consideration of the subject.

Mr. Gregory moved to refer the bill and accompanying report to the committee on the judiciary.

Which was not agreed to.

Mr. Gregory then moved their reference to a select committee of five.

Which was agreed to.

Messrs. Gregory, Blythe, Branham, Hamilton of Boone, and Mellett, were appointed said committee.

Mr. Davis, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 36, entitled "a bill to amend the first section of an act entitled 'an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished,' approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same," have had the same under consideration and directed me to report the same back and recommend the following amendment:

Between the second and third sections insert—

SEC. 3. Whenever the judge shall fix the time for holding such special term, the clerk shall, if the judge require it, issue summons for the grand and petit jurors of the last preceding regular term, whose attendance shall be enforced in the same manner as if so summoned to appear at the regular term.

Also amend by striking out the words "section 3d," in last section and insert in lieu thereof, the following words, to-wit: "section 4," and when the bill is so amended the committee recommend its passage. All of which is respectfully submitted.

The report was concurred in, and the amendments adopted, and the bill ordered to be engrossed.

RESOLUTIONS.

Mr. Dobbins offered the following preamble and resolution:

WHEREAS, Section second of article ninth of the constitution of the State of Indiana, declares "that the General Assembly shall provide houses of refuge, for the correction and reformation of juvenile offenders; and whereas, recent developments admonish us of the increase of this character of public offenders, and of the necessity of carrying out the above section of the constitution; and whereas, it is unwise and impolitic to send such youthful out laws to the State prison, to mingle with the old experienced and hardened creatures of crime, that are usually sent to that institution. Therefore be it

Resolved, That the Speaker is hereby authorized to appoint a select committee, consisting of one member from each congressional district in the State, whose duty it shall be, at as early a day as possible, to report a bill to this House, in the language of the constitution, "providing a house of refuge for the correction and reformation of juvenile offenders," and for the maintainance and regulation of the same; *Provided*, That not more than three be erected.

Which was agreed to.

Mr. Stanfield moved to suspend the order of business and take up House bill

No. 9. A bill to prevent the circulation of unauthoriznd paper currency.

Which was agreed to, and

On motion by Mr. Stanfield,

The bill was referred to a select committee of five.

Messrs. Stanfield, Mellett, Colgrove, Dobbins and Merrifield were appointed said committee.

RESOLUTIONS RESUMED.

On motion by Mr. Mellett,

Resolved, That the use of this hall be granted to the State teachers association, in which to hold their annual meetings, and that said association be permitted to occupy the same for said purpose at any hour when the same is not occupied by a session of this body.

BILLS INTRODUCED.

By Mr. Dobbins,

No. 76. A bill to amend the 21st section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14th, 1852.

Which was read a first time and passed to a second reading.

By Mr. Boyd,

No. 77. A bill to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom, fixing penalties for violations of the law, and declaring certain contracts void.

Which was read a first time and passed to a second reading.

By Mr. Brotherton,

No. 78. A bill to provide for the transfer from the court of common pleas to the circuit court, certain causes wherein the court of common pleas have no jurisdiction.

Which was read a first time and passed to a second reading.

By Mr. Smith, of Perry,

No. 79. A bill supplemental to an act entitled "an act to provide for the location of county seats, and for the erection of public buildings in counties, in case of such relocation," approved March 2, 1855, and providing for re-location where lands and court house have been donated and petitions filed.

Which was read a first time.

Mr. Branham moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Nebeker of Warren, Nelson, Parks, Parrett, Power, Ritter, Robinson, Row, Rynerson,

Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Wheeler, White-man, Wildman, Wood and Mr. Speaker—79.

Mr. Dougherty voting in the negative.

So the rules were suspended and the bill read a second time by its title.

Mr. Smith, of Perry, moved to refer the bill to a select committee of five;

Which was agreed to.

Messrs. Smith of Perry, Stanfield, Blythe, Davis and Mellett, were appointed said committee.

By Mr. Nelson,

No. 80. A bill to regulate the sale of spirituous or intoxicating liquors, prescribing penalties for violations of the same, and to raise a revenue from the sale of such liquors.

Which was read a first time and passed to a second reading.

The Speaker laid before the House the following communication from the superintendent of the institution for the education of the blind:

INSTITUTE FOR THE EDUCATION OF THE BLIND,
Indianapolis, December 13, 1858. }

HON. JONATHAN W. GORDON,

Speaker of the House of Representatives:

SIR:—I am in receipt of a resolution of your honorable body, adopted on the — day of —, asking certain information touching the “relative cost, *per capita*, of supporting similar institutions in the United States,” &c. In answer, I have the honor to state that I have not the necessary information at my command to give a full answer to your resolution, for the reason that no reports have been made, so far as my information extends, by other institutions for the blind, showing the number of managers, instructors and employees, cost of general management, of subsistence, of clothing and other expenses.

The superintendent of the deaf and dumb institutions of the United States, as I am informed, have annual conventions, and publish reports of their doings, showing in proper form, the information called for by your resolution. Having no data of this kind,

I am unable to furnish the information called for by your resolution. I have, however, opened a correspondence with several institutions for the blind, in reference to these questions, and will report such information as I may obtain, at the earliest possible moment.

The report of the trustees and superintendent of this institution for the past year, is now in the hands of the printer, and will be laid on the desks of the members of your house in a few days.

Very respectfully,

J. McWORKMAN, *Superintendent.*

By Mr. Murray,

No. 81. A bill requiring the Auditor of State to pay over money or stocks to the proprietors or stockholders of the banks.

Which was read a first time and passed to a second reading.

By Mr. Waterman,

No. 82. A bill to provide for the election of county assessors, and prescribing their duties, to provide for the appointment of deputy assessors and prescribing their duties, and to repeal all laws coming in conflict with this act.

Which was read a first time and passed to a second reading.

ORDERS OF THE DAY.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 4. A bill to amend sections six, seven, ten, eleven, twelve, fifteen, nineteen and twenty of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," approved May 13, 1852.

In which the concurrence of the House is respectfully requested.

Senate bill No. 4, referred to in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 6. An act to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws."

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 6, referred to in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills thereof:

Senate bill No. 59. A bill to amend the third section of an act entitled "an act to regulate the licensing of pilots at the falls of the Ohio, requiring bonds and security of such pilots, prohibiting any unlicensed person from acting as such pilots, and providing for the compensation of such pilots and the revocation of their licenses," approved June 15, 1852.

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State.

In which the concurrence of the House is respectfully requested.

Senate bills Nos. 20 and 59, referred to in the foregoing message, were each read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 34. "A bill to prescribe the duties of assessors, so as to provide for making their list of farm products, domestic animals and other property, every four years, and in regard to the duties of county auditor and Auditor of State in connection therewith, and to repeal all laws conflicting therewith."

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 34, referred to in the foregoing message, was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof:

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855.

In which the concurrence of the House is respectfully requested.

Senate bill No. 60, referred to in the foregoing message, was read a first time and passed to a second reading.

On motion by Mr. Brotherton,
The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, }
December 14, 1858. }

The House met.

The journal was read and approved.

REPORTS FROM STANDING COMMITTEES.

Mr. Murray, from the committee on elections, made the following report;

MR. SPEAKER :

The committee on elections, to whom was referred House bill No. 62, a bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters," have had the same under consideration, and instructed me to report the bill back with the following amendment, and when so amended recommended its passage :

Insert after the word "shall," the words "wilfully or maliciously."

The report was concurred in and the amendments adopted.

Mr. Murray, from the committee on elections, made the following report :

MR. SPEAKER :

The committee on elections, to whom was referred the contested election case from the counties of Huntington and Whitley, have authorized me to report in favor of commissioning Charles W. Walker, Esq., of this city, to proceed to Huntington county for the purpose of taking testimony in behalf of the contestees, for the information of said committee and this House, and the concurrence of the House is respectfully requested.

Mr. Dobbins moved to lay the report on the table ;
Which was not agreed to.

The question being on concurring in the report ;
It was not agreed to.

Mr. Nebeker of Warren, moved to suspend the order of business and take up House bill

No. 7. A bill to amend section three of an act entitled "an act to provide for the election and prescribing certain duties of recorders," approved May 31, 1852.

Which was not agreed to.

Mr. Mellett, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No. 6, entitled "an act to amend the two hundred and thirty-eighth section of an act entitled 'an act to revise, simplify and abridge the rules, practice, pleading and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice without distinction between law and equity,'" have had the same under consideration and instruct me to report the same back to this House and recommend that the same be laid upon the table.

The report was concurred in, and the bill laid on the table.

Mr. Clements, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred a resolution of

inquiry respecting "so much of the Auditor's report, which refers to the present inefficiency of the insurance law (where companies are doing business in the State regardless of its provisions,)" have had the same under consideration and instruct me to report the same back to this House, and respectfully recommend that it be referred to the committee on corporations.

The report was concurred in, and the bill referred to the committee on corporations.

Mr. Baird, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The committee on the judiciary, to whom was referred House bill No. 57, have had the same under consideration and have instructed me to make the following report thereon: Said bill proposes to amend section 143 of the assessment law of 1852. Said section prescribes the manner of publishing the delinquent list, and requires the auditor "to cause a copy of such list to be published in a newspaper, &c." The proposed change requires the auditor to "contract with the editor of a newspaper to publish a copy of such list, &c." Your committee are unable to see how the public good is to be subserved by the proposed amendment. As the law now is the auditor would have the power to contract to pay the editor the full value of his work; this power is a necessary incident and he takes it by intendment if it is not express, and therefore the amendment amounts to nothing, unless it is intended to give the auditors and editors power to collude together to cheat the treasury by exorbitant contracts, or is for the relief of some editor, who has made charges the courts will not sustain, and in either view your committee are of opinion that the change is inexpedient. They therefore return said bill and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Griffin, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 58, entitled "a bill to provide for the payment of costs in criminal actions, to enforce the collection of the same and to repeal the one hundred and sixty-ninth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State;" approved June 17, 1852, have had the same under consideration and instruct me to

report the same back to this House, and recommend that the same be indefinitely postponed.

The report was concurred in and the bill indefinitely postponed.

REPORTS FROM SELECT COMMITTEES.

Mr. Stanfield, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 9, entitled "an act to prevent the circulation of unauthorized paper currency," together with a proposed amendment; also the report of the committee on banks, have had the same under consideration and directed me to report the same back to the House and recommend that said proposed amendment be laid on the table, and that the bill be amended by striking out all after the enacting clause and insert the amendment proposed by said committee on banks, and when so amended, this committee recommend its passage.

The report was concurred in and the amendment adopted.

Mr. Baird moved to refer the bill to the committee on the judiciary;

Which was not agreed to.

The bill was then ordered to be engrossed.

Mr. Smith, of Perry, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 79, being a bill supplemental to an act entitled "an act to provide for the re-location of county seats and for the erection of public buildings, in counties in case of such re-location," approved March 2, 1855, and providing for re-location, where lands and court house have been donated and petitions filed; have had the same under consideration and have directed me to report the same to the House with the following amendments:

Strike out "section two" and insert the following:

SEC. 2. For the purposes of this act, the number of voters at the general election in such county next preceding the presentation of such petitions to the board of commissioners, with fifteen per centum added thereto, shall be considered the whole number of voters of such county.

Strike out "section seven," and in section nine strike out the words "m many and votes as provided in section seven;" and so amended recommend its passage.

Mr. Turpie moved to refer the bill and accompanying report to the committee on the judiciary;

Which was not agreed to.

Mr. Turpie moved to lay the report and bill on the table;

Which was not agreed to.

Mr. Smith of Perry, by consent of the House, moved to refer the bill to the committee on the judiciary;

Which was agreed to.

Mr. Colgrove, from the committee on the judiciary, obtained leave and made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House resolution No. 26, inquiring into the expediency of repealing that portion of the law which requires county treasurers to visit each township, for the purpose of collecting tax, have had the same under consideration, and have instructed me to report the following bill and recommend its passage:

No. 83. A bill to amend the ninety-fourth section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and the treasurer and auditor of State," approved June 21, 1852.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the 94th section of an act entitled "an act to provide for the valuation and appraisement of real and personal property, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State, approved June 21, 1852, which reads as follows, to-wit:

"Immediately on receiving such duplicate he shall proceed to collect the same, and for that purpose shall, between the 15th day of October and the 15th day of November, attend at the place of holding elections in each township, for the space of one day and as much longer as the board of county commissioners shall direct, and after the 15th day of November until the third Monday in

March, he shall attend at his office at the seat of justice;" be and the same is hereby amended so as to read as follows, to-wit:

"Immediately on receiving such duplicate he shall proceed to collect the same, and for that purpose shall attend and keep his office open at the county seat at all times, Sundays, the Fourth of July, Christmas and New Years days, excepted.

The report was concurred in, and the bill read a first time and passed to a second reading.

Mr. Prosser moved to suspend the order of business and take up House bill

No. 35. A bill to amend an act entitled "an act to provide for the selection and empanneling of petit jurors in the court of common pleas,¹ and providing compensation therefor," approved March 1st, 1853, being supplemental to an act entitled "an act prescribing the manner of empanneling petit jurors, the number and compensation therefor," approved May 20th, 1852,

Which was agreed to.

Mr. Prosser moved to refer the bill to a select committee of three,

Which was agreed to.

Messrs. Prosser, Baird and Keefer were appointed said committee.

RESOLUTIONS.

On motion by Mr. Branham,

Resolved, That the Doorkeeper of the House have the sky-light over the clerk's desk repaired so as to prevent its leaking.

Mr. Shull offered the following resolutions:

Resolved, That this General Assembly will adjourn *sine die*, on Wednesday, 22d, instant.

Resolved, That the clerk of this House inform the Senate of the passage of the foregoing resolution, and ask their concurrence.

Mr. Jefferis moved to lay the resolutions on the table.

Messrs. Clements and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Branham, Brotherton, Colgrove, Cotton, Davisson, Edwards, Griffin, Hall of Grant, Hall of Rush, Hamilton

of Wayne, Jefferis, Mansfield, Mellett, Parks, Prosser, Sherman, Smith of Miami, Stinson, Treadway and Waterman—22.

Those who voted in the negative were,

Messrs. Black, Bowman, Boyd, Boxley, Carr, Cavins, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keifer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Power, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanfield, Stanley, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—70.

So the resolution was not laid on the table.

The question being on the adoption of the resolution,

Mr. Jordan moved the previous question,
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

Messrs. Dougherty and Jordan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Boyd, Carr, Cavins, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Hartley, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—69.

Those who voted in the negative were,

Messrs. Austin, Boxley, Branham, Brotherton, Colgrove, Collier, Comstock, Cotton, Davisson, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hunter, Jefferis, Mansfield, Miller, Parks, Power, Ritter, Robinson, Sherman, Smith of Miami, Treadway and Whiteman—25.

So the resolutions were agreed to.

Mr. Hunter moved to suspend the order of business and take up

House bill No. 73. A bill to raise revenue for State purposes, for the years 1859 and 1860;
Which was agreed to.

The bill was then read a second time.

This being a bill to raise revenue, the House under the rules, resolved itself into committee of the whole, for the consideration thereof, Mr. Branham in the chair.

After being in session some time the committee rose and made the following report, through their chairman :

MR. SPEAKER:

The committee of the whole House, to whom was referred House bill No. 73, "a bill to raise a revenue for State purposes for the years 1859 and 1860," have had the same under consideration, and direct me to report the same back and recommend its passage.

Which was concurred in, and the bill ordered to be engrossed.

On motion by Mr. Kempf,

Resolved, That the committee on county and township business inquire into the expediency of erecting work-houses in connection with county jails for the employment of convicts, as idleness is the mother of all evil, and report by bill or otherwise.

Mr. Stanfield moved to suspend the rules and read House bill No. 73, a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were.

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of

Madison, Treadway, Turpie, Usrey, Waterman, Whetzel, Whiteman, Wildman and Wood—87.

Those who voted in the negative were,

Messrs. Baird, Claypool and Clements—3.

So the rules were suspended, and House bill

No. 73. A bill to raise a revenue for State purposes, for the years 1859 and 1860;

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shocklev, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—93.

No person voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

RESOLUTIONS.

On motion by Mr. Dougherty,

Resolved, That the committee on agriculture be instructed to inquire into the expediency of providing by law, that when the owner of lands desires to drain his lands, or protect the same from overflow, he be authorized when necessary, to enter upon the adjoining lands of other persons, and construct the necessary ditches,

levees, &c., the damages, if any, resulting therefrom being first assessed and tendered; and that said committee report by bill or otherwise.

Mr. Hamilton of Boone, offered the following resolution:

Resolved, That this House immediately appoint and authorize some suitable person, who resides outside of the counties of Huntington and Whitley, to proceed immediately to the county of Huntington, to take evidence by deposition or otherwise, to be used in evidence before the committee on elections, in the contested election case of the Hon. J. B. Firestone and the Hon. Caleb W. Edwards.

Mr. Keefer moved to strike out "a suitable person," and insert "three suitable persons."

Mr. Dobbins moved to amend the amendment as follows:

"By appointing two, and give the two so appointed the power to appoint a third, in case of disagreement."

Which was not agreed to.

Mr. Turpie moved to lay the resolution and pending amendments on the table;

Which was agreed to.

On motion by Mr. Dougherty,

Resolved, That the Senate is respectfully requested to return to this House, Senate bill No. 31.

Mr. Newton offered the following preamble and resolution, viz:

WHEREAS, Many members of this House have learned with regret, that mail matter, which ought to have reached their constituents the same day such mail matter was taken to the post office, did not reach them until the day following, or still later; therefore,

Resolved, That the Doorkeeper be instructed to inquire of the post master of this city, at what particular hour mail matter will be in time for the different mails; and that the Doorkeeper instruct the messenger to deliver at the post office, such mail matter as may be ready, punctually at the hour designated.

Which was agreed to.

Mr. Ritter, at twenty-five minutes past eleven o'clock, A. M., moved that the House do now adjourn;

Which was not agreed to.

BILLS INTRODUCED.

By Mr. Scott,

No. 84. A bill to amend the two hundred and thirty-eighth section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.

Which was read a first time and passed to a second reading.

By Mr. Treadway,

No. 85. A bill to amend the thirty-first section of an act providing for the election or appointment of supervisors of highways and prescribing certain of their duties, and those of county and township officers in relation thereto, approved June 18, 1852;

Which was read a first time and passed to a second reading.

HOUSE BILLS ON THIRD READING.

No. 36. A bill to amend the first section of an act entitled "an act providing for extending the terms of Circuit Courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the Court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same,

Was read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Bowman, Boyd, Boxley, Branham, Brothers, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Johnston, Jones, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Murray, Nebeker of Vermillion, Nelson, Newton, Parrett, Prosser, Power, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman and Wood—75.

Those who voted in the negative were,

Messrs. Devol, Hancock, Hunter, Jordan, Nebeker of Warren, Parks, Robinson, Treadway and Turpie—9.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Colgrove,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

The hour having arrived the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

Senate bill No. 28. A bill to provide the time, place and manner of electing United States' Senators, and to fix the penalty upon officers failing to certify to said election.

Mr. Davis moved to amend as follows:

Strike out section sixth and insert in lieu thereof, the following:

"It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage."

By unanimous consent of the House,

Mr. Turpie made a verbal report from the judiciary committee on House bill

No. 79. A bill supplemental to an act entitled "an act to provide for the relocation of county seats, and for the erection of public buildings in counties in case of such relocation," approved March 2, 1855, and providing for re location where lands and court-house have been donated and petitions filed,

Concurring in the report made by the select committee on the same bill this morning.

The report was concurred in, and the bill as amended by the select committee, ordered to be engrossed.

The question being on the adoption of the amendment offered by Mr. Davis.

Mr. Prosser, at forty-five minutes past four o'clock, P. M., moved that the House do now adjourn ;

Which was agreed to, and

The House adjourned until to-morrow morning, 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
December 15, 1858. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS, AND REMONSTRANCES.

By Mr. Austin,

A memorial from the western yearly meeting of the Society of Friends, on the subject of temperance.

On motion by Mr. Austin,

The memorial was referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Parks, from the committee on the rights and privileges of the inhabitants of the State, made the following report:

MR. SPEAKER:

The committee on the rights and privileges of the inhabitants of the State, to whom was referred a resolution instructing them to inquire into the expediency of reporting amendments to the Constitution to be submitted to the people, granting to incorporated towns and cities, and to civil townships, the right to levy

taxes for school purposes, have had the same under consideration, and have instructed me to report that the committee are of opinion that it is expedient for this General Assembly to propose and agree upon an amendment of the Constitution of the State, so as to authorize the people of incorporated towns and cities to levy taxes for the support of schools within their corporate limits. But the committee are of opinion that it is inexpedient to change the Constitution so as to authorize civil townships to levy taxes for such purposes.

Mr. Murray moved to postpone the subject until Thursday next at 2 o'clock, P. M.

Which was agreed to.

Mr. Stiles, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 50, entitled "a bill defining the misdemeanor of an assault," have had the same under consideration, and direct me to report the same back to this House and recommend that the same be indefinitely postponed.

The report was concurred in, and the bill indefinitely postponed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to bring to the House for the signature of the Speaker, enrolled bill No. 32, "a bill to fix the time of holding the common pleas courts in the county of Bartholomew."

The Speaker signed the bill.

Mr. Edwards, from a select committee, made the following report:

MR. SPEAKER:

A majority of the select committee, to whom was referred House bill No. 20, entitled "a bill to amend the fourth section of an act entitled an act to provide for the protection of wild game, defining the time in which the same may be taken, and declaring the penalty for the violation of this act," have considered the same, and requested me to report it back to this House with the follow-

ing amendment: strike out the second section, and when so amended to recommend its passage.

Mr. Turpie moved to lay the report and bill on the table;
Which was agreed to.

RESOLUTIONS.

On motion by Mr. Durham,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of separating the public printing and binding, and letting out the binding to the lowest responsible bidder, who will give bond to do such binding in the best style and shortest time, and report the result of such inquiry to the House.

On motion by Mr. Hartley,

Resolved, That the committee on county and township business be instructed to inquire into the expediency of so changing the jurisdiction of justices of the peace, as to extend their jurisdiction to two hundred dollars, and to make debts collectable in the township in which they are contracted.

On motion by Mr. Hamilton, of Boone,

Resolved, That the Hon. Thomas S. Stanfield is hereby authorized and empowered as commissioner to take evidence by way of deposition or otherwise, to be read in evidence in the contested election case of the Hon. John B. Firestone and the Hon. Caleb W. Edwards, with full power and authority to compel the attendance of witnesses before him, and do all things necessary to be done in the premises, and that he lay said testimony so taken before this House for the use of said committee on elections of this House at an early day of the first week of the next regular session thereof, or deliver the same to the chairman of said committee.

A message from the Governor by Mr. Osbourne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House, that he has approved and signed the following bill:

Senate bill No. 31. An act to fix the time of holding the courts of common pleas in the county of Bartholomew.

Mr. Smith of Perry, moved to suspend the order of business, and take up House bill No. 79;

Which was agreed to.

No. 79. A bill supplemental to an act entitled "an act for the location of county seats, and for the erection of public buildings in counties, in case of such re-location," approved March 2, 1855; and providing for re-location when lands and court house have been donated and petitions filed,

Was read a third time, and

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Robinson, Ryner-son, Scott, Sherman, Shields, Shockley, Skull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—91.

Mr. Ritter, voting in the negative.

So the bill passed.

Mr. Smith of Perry, moved to amend the title of the bill as follows:

Strike out after the first word 'act,' in the title, and insert the following:

"To provide for the re-location of county seats, and for county buildings, where two-thirds of the voters of any county have petitioned for re-location, designating the site and a house to be used as a court house, and where a deed has been executed, and to provide for the limitations of actions growing out of such re-location, and for the donation of the former county property."

Which was agreed to.

Ordered, That the clerk inform the Senate of the passage of the bill.

RESOLUTIONS RESUMED.

Mr. Collier offered the following resolutions:

Resolved, That the superintendent of the asylum for the education of the deaf and dumb, and also the superintendent of the asylum for the education of the blind, are respectfully invited to give exhibitions of the proficiency of the pupils under their care respectively, before the members of this General Assembly.

Resolved further, That the Clerk of this House be instructed to inform the superintendents of the asylums for the education of the deaf and dumb, and the blind, of the passage of this resolution, and to report to this House, the time at which it will be convenient for them to hold such exhibition.

On motion by Mr. Edwards,
The resolutions were laid on the table.

Mr. Murray offered the following resolution:

Resolved, That no member of this House shall be permitted to speak more than fifteen minutes on any question under consideration, without the unanimous consent of the House.

Mr. Dobbins moved to lay the resolution on the table.

Messrs. Murray and Wildman demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Durham, Early, Edwards, Firestone, Gifford, Hall of Grant, Hall of Rush, Hancock, Harney, Hartley, Hunter, Jefferis, Jones, Kempf, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Merrifield, Martin, Nelson, Newton, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wood and Mr. Speaker—72.

Those who voted in the negative were,

Messrs. Boyd, Boxley, Claypool, Dougherty, Devol, Fordyce,

Hamilton of Boone, Hamilton of Wayne, Johnston, Jordan, Keefer, Kelly, Lewis, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Parks, Stanfield, Thompson of Elkhart, Whetzel and Wildman—22.

So the resolution was laid on the table.

On motion by Mr. Treadway,

Resolved, That a select committee of five be appointed, to investigate the condition of this Hall, and ascertain if a better arrangement cannot be had for warming and ventilating the same, during the coming session, and that the committee report as soon as practicable.

Mr. Brotherton offered the following preamble and resolution:

WHEREAS, The gratifying intelligence has been received, that there are a number of members of this House, who are yet desirous to deliver speeches to the same, on the bill providing for the election of United States Senators; therefore be it

Resolved, That all those members who are desirous to make speeches on said bill, are hereby respectfully requested and positively required, to postpone the delivering said speeches until the next regular meeting of this General Assembly, and said speeches when delivered, will be received by this House with like effect, as if the same had been delivered before any action was taken on said bill.

Mr. Edwards moved to lay the resolution on the table;
Which was agreed to.

Mr. Thompson, of Madison, offered the following resolution:

Resolved, That the committee on fees and salaries, be instructed to draft a law reducing the compensation of members of the General Assembly to two dollars per day, and report such bill to this House for action, as soon as possible.

Mr. Colgrove moved to amend by inserting "seventy-five cents," instead of "two dollars."

Mr. Power moved to amend the amendment by inserting "four dollars," in the place of "seventy-five cents."

Mr. Branham moved to lay the whole subject on the table;
Which was agreed to.

Mr. Murray offered the following resolution :

Resolved, That the House will, if the Senate concur, on the 16th day of December, 1858, at 2 o'clock, P. M., proceed in the Hall of this House to elect a State printer.

Mr. Keefer moved to lay the resolution on the table.

Messrs. Murray and Jefferis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Collier, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Row, Rynerson, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—53.

Those who voted in the negative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Comstock, Cotton, Davisson, Davis, Devol, For-
dyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Melleitt, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Scott, Sherman, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—46.

So the resolution was laid on the table.

BILLS INTRODUCED,

By Mr. Prosser,

No. 86. A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinctions between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without written endorsement, shall be commenced without the county of the maker's residence,

Which was read a first time and passed to a second reading.

By Mr. Branham,

No. 87. A bill to amend section 6 of an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852, so as to provide for the cancellation of purchased bonds,

Which was read a first time and passed to a second reading.

By Mr. Martin,

No. 88. A bill to amend section fourteen of an act entitled "an act providing for the elections of justices of the peace, and defining their jurisdiction, powers and duties in civil cases," approved June 9, 1852,

Which was read a first time and passed to a second reading.

By Mr. Smith, of Miami,

No. 89. A bill to amend the third section of "an act to incorporate the town of Peru," approved February 14, 1848,

Which was read a first time and passed to a second reading.

By Mr. Power,

No. 90. A bill to repeal an act entitled "an act to establish courts of conciliation, to provide rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.

Which was read a first time and passed to a second reading.

By Mr. Stanley,

No. 91. A bill to prohibit clerks and deputy clerks of the supreme, circuit and common pleas courts from practicing as attorneys or counsellors at law in the courts of which they are clerks or deputy clerks, declaring it to be a misdemeanor for the clerks of the circuit and common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalty therefor,

Which was read a first time and passed to a second reading.

By Mr. Hamilton, of Boone,

No. 92. A bill to prevent carrying concealed or dangerous weapons, and to provide punishment therefor,

Which was read a first time and passed to a second reading.

Mr. Durham, at twenty minutes past eleven o'clock, A. M., moved that the House do now adjourn,

Which was not agreed to.

Mr. Davis moved to suspend the order of business and take up the engrossed amendments of the House to Senate bill No. 3, and accompanying message,

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following amendments of the House to Senate bill No. 3, "a bill to provide for the appraisal of real estate, and prescribing the duties of officers in relation thereto," viz :

Amend section 3 as follows :

Insert the words "or elected" after the word "appointed," in the 2d line.

Amend section 4 as follows :

Insert after the word "appointed," in the first line, the words "or elected."

Amend section 6 by inserting after the word "situation," in the 31st line, the following words :

"The said appraiser shall also, on actual view, make a true valuation of all lands used or held by railroad companies for road bed, depot or station ground, gravel pits, switches and side tracks, and all railroad tracks, depot buildings and other superstructures thereon, according to the same rule herein prescribed for ascertaining the value of other real property, and he shall in same manner make a true valuation of all McAdamized roads, plank roads, turnpike roads and canals, other than the Wabash and Erie canal, and also all toll bridges belonging to private persons or private corporations."

Add to the 9th section as follows :

"*Provided*, That there shall be deducted from the lands owned by any person, as shown by such deed or survey, the amount of the same occupied by any railroad canal or public highway."

Amendment to section 13 :

Section 13 be amended so as to read, "each appraiser shall, on or before the fourth Monday of May next after his appointment or election, make out and deliver to the auditor of his county, a return by civil townships in tabular form and alphabetical order contained in a book to be furnished him by such auditor, of the amount, description and value of all the real estate subject to be listed for taxation in his county, &c."

Amend section 14 as follows.

Strike out the word "taxes," the last word but one in said section, and insert the word "appraisement."

Amend by striking out "fifty," in the second line of section 19 and insert "twenty-five."

And I am also directed by the Senate to inform the House that the Senate has refused its concurrence to the amendments of the House to said bill, as follows:

Amend the first section by striking out the proviso, and insert—

"Said appraiser, and such as shall be elected under the provisions of this act, shall have power to appoint deputies, who shall take the same oath required of their principal, to be endorsed on the certificate of appointment."

Amend section five by striking out the proviso in said section commencing in line eleven, and ending with line twelve.

Add to section 24 the following:

"And especially sections 32, 33, 34 and 35 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors and of the treasurer and auditor of State," approved June 21, 1852, be and the same are hereby repealed.

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Davis moved that the House insist on its amendments, in which the Senate refused to concur.

Mr. Branham moved to amend the motion of Mr. Davis, by receding from the amendments;
Which was not agreed to.

The question then being on the original motion, to insist on the amendments of the House.

It was agreed to.

On motion by Mr. Murray,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Davis moved to suspend the previous orders, and take up,

Senate bill No. 28. A bill to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election;

Which was agreed to.

The question being on the adoption of the following amendment offered by Mr. Davis:

Strike out the sixth section and insert in lieu thereof, the following:

"It is hereby declared that an emergency exists, for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage."

Mr. Branham moved the previous question;
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

Messrs. Davis and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Boyd, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Edwards, Firestone, Gifford, Gregory, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Martin, Nelson, Newton, Parrett, Prosser, Row, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—54.

Those who voted in the negative were,

Messrs. Austin, Baird, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of

Warren, Parks, Power, Ritter, Robinson, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—45.

So the amendment was agreed to, and the bill ordered to be engrossed.

Mr. Stanfield moved to suspend the order of business and read the bill a third time.

Which was agreed to.

Senate bill No. 28. A bill to provide the time, place, and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election,

Was read a third time.

Mr. Turpie moved to reconsider the vote taken upon the adoption of the amendment of Mr. Davis.

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Cavins, Collier, Comstock, Cotton, Davisson, Davis, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Merrifield, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—45.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Colgrove was in his seat when his name was called, and refused to vote.

H. J.—15.

Mr. Parrett, at fifteen minutes past three o'clock, P. M., moved that the House do now adjourn.

Which was not agreed to.

HOUSE BILLS ON SECOND READING.

No. 72. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation, the safe keeping and disbursements of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and to pay the current expenses of the State government, and repayment of the moneys borrowed for such purposes, establishing the salary of the State treasurer and his duties, and to punish employees in the management of said funds, for making any false drafts, checks, entries, or records while in such employment.

Mr. Davis moved to amend the bill by adding the following proviso to the nineteenth section :

"Provided, however, That this act shall only remain in force for the period of three years, from and after its passage."

Which was agreed to.

Mr. Harney, at fifteen minutes past four o'clock, P. M., moved that the House do now adjourn.

Which was agreed to.

And the House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
December 16, 1858. }

The House met.

The journal was read and approved.

PETITIONS, MEMORIALS AND REMONSTRANCES.

By Mr. Hamilton of Wayne,

A memorial from the Indiana yearly meeting of the society of Friends, on the subject of temperance.

On motion by Mr. Treadway,
The memorial was referred to the committee on temperance.

REPORTS FROM STANDING COMMITTEES.

Mr. Baird, from the committee on the organization of courts of justice, made the following report:

MR. SPEAKER :

The committee on the organization of courts, to whom was referred a resolution inquiring into the expediency of abolishing the courts of common pleas, and to provide a different mode for doing probate business, and to revise the practice act so as to make the same conform to said proposed change, have had the same under consideration, and have instructed me to report the following bills to the House and recommend their passage :

No. 93. A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved May 14, 1852.

No. 94. A bill to provide for the organization of circuit courts, the election of the judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said judges and number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject.

No. 95. A bill giving the clerks of the several circuit courts of this State, probate jurisdiction, defining their powers and duties therein, and fixing their compensation therefor; to prohibit clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act. And

No. 96. A bill to provide for the election of, and certain duties of, prosecuting attorneys.

Acompanying the foregoing report, were each read a first time and passed to a second reading.

Mr. Colgrove moved to suspend the order of business and take up House bill No. 94,
Which was agreed to.

Mr. Colgrove then moved to suspend the rules and read House bill No. 94 a second time now by its title.

Mr. Parks moved to lay the motion on the table,
Which was not agreed to.

The question then being on the motion to suspend the rules.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Baird, Black, Blythe, Bowman, Boyd, Branham, Brother-ton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Harley, Hunter, Jeffers, Johnston, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Merrifield, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

Those who voted in the negative were,

Messrs. Austin, Boxley, Hamilton of Boone, Keefer, Kempf, Miller, Murray, Parks, Ritter, Rynerson, Thompson of Elkhart and Waterman—12.

So the rules were suspended and the bill read a second time by its title.

Mr. Colgrove moved that the bill be laid on the table, and five hundred copies be printed for the use of the House,
Which was agreed to.

Mr. Mellett moved to suspend the order of business and take up House bill

No. 72. A bill providing for the election of a board of sinking-fund commissioners, prescribing their duties, term of office and compensation, the safe keeping and disbursements of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and to pay the current expenses of the State government and repayment of the moneys borrowed for

such purposes, establishing the salary of the State Treasurer and his duties, to punish employees in the management of said funds, for making any false drafts, checks, entries or records, while in such employment;

Which was agreed to.

Mr. Mellest moved to recommit to the committee of ways and means with the following instructions:

Recommit to the committee of ways and means, with instructions to prepare and report to this House four bills, embracing the subjects contained in said bill, each bill to embrace but one subject and matters properly connected therewith, as follows:

First. Providing for the election of sinking fund commissioners and prescribing their duties, term of office and compensation.

Second. A bill appropriating certain funds to meet the interest on the public debt and pay the current expenses of the State government, and repayment of money borrowed for such purposes.

Third. Establishing the salary of State Treasurer and defining his duties.

Fourth. Providing for the punishment of persons having the management of the public funds, for making false drafts, checks, entries or records,

Which was agreed to.

Mr. Parrett moved to suspend the order of business and take up House bill

No. 95. A bill giving the clerks of the several circuit courts of this State, probate jurisdiction, defining their powers and duties therein, and fixing their compensation therefor; to prohibit clerks and their deputies from practicing law and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.

Which was agreed to.

Mr. Parrett then moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Baird, Blythe, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier,

Comstock, Cotton, Davisson. Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Power, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Widman, Wood and Mr. Speaker—84.

Those who voted in the negative were,

Messrs. Austin, Boxley, Hamilton of Boone, Kempf, Miller, Murray, Parks, Ritter, Rynerson and Waterman—10.

So the rule was suspended and the bill read a second time by its title.

Mr. Griffin moved that the bill be laid on the table, and five hundred copies be printed for the use of the House;

Which was agreed to.

The Speaker appointed the following committee under the resolution of the House, to inquire into the propriety of erecting houses of refuge:

1st District, Mr. Dobbins,
 2d District, Mr. Davis,
 3d District, Mr. Branham,
 4th District, Mr. Robinson,
 5th District, Mr. Jefferis,
 6th District, Mr. Whetzel,
 7th District, Mr. Edwards,
 8th District, Mr. Harney,
 9th District, Mr. Merrifield,
 10th District, Mr. Wheeler,
 11th District, Mr. Hall, of Grant.

REPORTS FROM SELECT COMMITTEES.

Mr. Blythe, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 61, entitled "a bill prescribing the manner of empanneling petit jurors,

and fixing the number and compensation thereof," have had the same under consideration and have directed me to report the same back, and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

Mr. Scott, from a select committee, made the following majority report, viz:

MR. SPEAKER:

A majority of the select committee, to whom was referred House bill No. 16, entitled "a bill to repeal an 'act to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of this act,'" and also, the memorial and remonstrance on the subject, have considered the same, and directed me to report them back, and to recommend the indefinite postponement of the bill.

Mr. Turpie, from the same select committee, made the following minority report, viz:

MR. SPEAKER:

The undersigned, a minority of the committee to whom was referred House bill No. 16, on the subject of the repeal of the present game law, beg leave to dissent from the report of the majority of said committee, and in returning said bill, to recommend its passage. Nature, in our opinion, has done enough, without the aid of legislation, for the protection of the wild game in this State. We are not at all certain that the agricultural interest, by far the most important of our people, demand an increase in the quality of game, which must be ultimately the consequence of the enactment upon that subject now existing. Besides, the principle embodied in the law, of offering a bribe for informers, is wholly contrary to the spirit of our institutions, and should no longer be tolerated. We therefore respectfully advise the action above suggested.

D. TURPIE.

LEWIS ROW.

JAMES E. BLYTHE.

Mr. Davis moved to lay the whole subject on the table.
Which was agreed to.

Mr. Edward, from a select committee, made the following report:

MR. SPEAKER:

The select committee, to whom was referred the resolution

relative to amending the game law, so as to make it unlawful to net pheasants or quails at any time, have considered the same, and directed me to report that such legislation is inexpedient.

Which was concurred in.

Mr. Harrison, from the committee on county and township business, obtained leave and made the following report:

MR. SPEAKER:

The committee on county and township business, to whom was referred House bill No. 46, "to fix the time of holding and the length of the sessions of the board of township trustees in the several counties of this State, and to repeal section 11 of an act entitled 'an act for the more uniform mode of doing township business,'" approved May 6th, 1852, would recommend that said bill be laid on the table, for the following reasons:

The House has, by resolution, directed the committee to report a bill modifying the present system of doing township business, and by a subsequent resolution, directed said committee not to report any bill during the present extra session of the legislature. Therefore it would be inexpedient to take any further action in the premises, and the committee would ask to be discharged from further consideration of the subject.

The report was concurred in and the bill laid on the table.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bills of the House, without amendment, viz:

House bill No. 32. A bill to repeal "an act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of the assessment of damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river, in the State of Indiana."

House bill No. 19. "A bill to secure the service of process in actions against corporations, created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers."

Mr. Harrison, from the committee on county and township business, obtained leave and made the following report:

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 60, to amend the 6th section of an act entitled "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17th, 1852, having had the same under consideration, direct me to report the same back and recommend its passage.

The report was concurred in, and the bill ordered to be engrossed.

RESOLUTIONS.

On motion by Mr. Shull,

Resolved, That the committee on the judiciary inquire into the constitutionality of continuing over to the regular session of the General Assembly, all the unfinished business of this House in the order in which it stands.

BILLS INTRODUCED.

By Mr. Durham,

No. 97. A bill to amend section three of an act entitled "an act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 20, 1852,

Which was read a first time and passed to a second reading.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate insists on its disagreement to the following engrossed amendments of the House to

Senate bill No. 3. "A bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto," as follows, viz:

Amend the first section by striking out the proviso and insert—

"Said appraiser, and such as shall be elected under the provisions of this act, shall have power to appoint deputies, who shall take the same oath required of their principal, to be endorsed on the certificate of appointment."

Amend section five by striking out the proviso in said section commencing in line eleven, and ending with line twelve.

Add to section 24 the following:

"And especially sections 32, 33, 34 and 35 of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors and of the treasurer and auditor of State," approved June 21, 1852, be and the same are hereby repealed.

That a committee of free conference has been appointed on part of the Senate to act with a similar committee on part of the House.

And that Senators Tarkington, Heffren and March were appointed said committee on the part of the Senate.

Mr. Stanfield moved that a committee of free conference of three be appointed on the part of the House ;

Which was agreed to.

Messrs. Stanfield, Branham and Edwards were appointed said committee.

ORDERS OF THE DAY.

House Bills on Third Reading.

No. 9. A bill to prevent the circulation of unauthorized paper currency,

Was read a third time.

Mr. Parret moved to lay the bill on the table,

Which was not agreed to.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devoe, Early, Easiham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shall, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield,

Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—94.

No one voting in the negative.

So the bill passed.

Mr. Stanfield moved to amend the title of the bill by adding the following, viz:

“And for the redemption of such as has been heretofore issued, or may hereafter be issued, and for punishing the violation of the provisions of this act,”

Which was agreed to.

Ordered, That the clerk inform the Senate thereof.

No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters,
Was read a third time.

Mr. Ritter moved to lay the bill on the table,
Which was not agreed to.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clayton, Clements, Colgrove, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—87.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

On motion by Mr. Firestone,

At forty-five minutes past eleven o'clock, A. M., the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

The hour having arrived the House proceeded to the consideration of the

SPECIAL ORDER OF THE DAY.

No 59. A bill to repeal the 13th paragraph of section 22, of the 4th article of the constitution of the State of Indiana, and to amend the 1st section of the 8th article of the constitution of the State of Indiana, and to repeal section 8 of the 8th article of the constitution of the State of Indiana.

Mr. Claypool asked for and obtained leave of absence for Mr. Merrifield.

Mr. Scott moved to refer House bill No. 59, to the committee on the judiciary;

Which was agreed to.

ORDERS OF THE DAY.

Senate Bills on Third Reading.

No. 11. A bill in relation to ventilating, repairing and warming county prisons,

Was read a third time, and

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Bowman, Boyd, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant,

Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jelleris, Johnston, Jones, Jordan, Kelly, Kempt, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermilion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—85.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

SENATE BILLS ON SECOND READING.

Senate bill No. 59. A bill to amend the third section of an act entitled "an act to regulate the licensing of pilots at the falls of the Ohio, requiring bonds and security of such pilots, prohibiting any unlicensed person from acting as such pilots, and providing for the compensation of such pilots and the revocation of their licenses," approved June 15, 1852.

Was read a second time.

Mr Carr moved to refer the bill to a select committee of three; Which was agreed to.

Messrs. Carr, Davis and Branham were appointed said committee.

Senate bill No. 4. A bill to amend sections six, seven, ten, eleven, twelve, fifteen, nineteen and twenty of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," approved May 13, 1852.

Was read a second time.

On motion by Mr. Blythe,
The bill was laid on the table.

Senate bill No. 6. An act to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws."

Was read a second time, and

On motion by Mr. Clements,
Referred to the committee on the judiciary.

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State.

Was read a second time, and

On motion by Mr. Edwards,
Referred to the committee on corporations.

Senate bill No. 34. "A bill to prescribe the duties of assessors, so as to provide for making their list of farm products, domestic animals and other property, every four years, and in regard to the duties of county auditors and Auditor of State in connection therewith, and to repeal all laws conflicting therewith."

Was read a second time.

Mr. Colgrove moved to refer the bill to the committee on county and township business.

Mr. Turpie moved to strike out the emergency clause.
Which was agreed to.

The question then recurring on the motion of Mr. Colgrove;
It was agreed to.

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855.

Was read a second time and passed to a third reading.

HOUSE BILLS ON SECOND READING.

No. 65. A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime; to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act.

Was read a second time.

Mr. Davis moved to refer the bill to a select committee of five.
Which was agreed to.

Messrs. Davis, Stanfield, Harney, Blythe and Turpie, were appointed said committee.

No. 66. A bill to amend section five and to repeal section ten of an act entitled "an act to provide for equalizing the appraisement for taxation of the real property of the State of Indiana," approved May 28, 1852, and constituting the county auditors as a distinct board of equalization, and fixing the place where each district board shall meet.

Was read a second time.

Mr. Dobbins moved to amend the bill by striking out "the county seat of Vanderburgh county," and insert "the county seat of Gibson county;"

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bills of the House, viz:

No. 43. A bill to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyance of lands and donations of personal property.

No. 23. A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.

No. 38. A bill to legalize the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the revised statutes of 1852, in their respective counties.

No. 39. A bill to regulate the collection of judgments and the sale of property on execution against any sheriff, constable or other public officer, administrator, guardian, executor, or any other person or corporation receiving or holding moneys in a judiciary capacity, or the sureties of any or either of them.

The question being on the engrossment of House bill No. 66.

Mr. Comstock moved to amend by inserting the "county seat of Wabash," instead of the "county seat of Grant."

Mr. Thompson, of Madison, moved to amend the amendment by striking out the "county seat of Wabash," and insert "county seat of Madison,"

Which was not agreed to.

The question recurring on the amendment offered by Mr. Comstock;

It was agreed to.

Mr. Lawhead moved to amend as follows:

“Strike out Laporte, and insert Rochester, Fulton county;”
Which was not agreed to.

Mr. Hamilton, of Boone, moved to amend as follows:

In place of county auditors insert principal appraisers of real estate, in first and second sections;
Which was not agreed to.

Mr. Turpie moved to refer the bill to the committee on ways and means;
Which was agreed to.

Mr. Branham moved to suspend the order of business and allow him to introduce the following bill:
Which was agreed to.

By Mr. Branham,

No. 98. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office, and compensation.

Which was read a first time and passed to a second reading.

Mr. Branham moved to further suspend the order of business and allow him to introduce the following bill:
Which was agreed to.

By Mr. Branham,

No. 99. A bill appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State government, and repayment of money borrowed for such purposes.

Which was read a first time and passed to a second reading.

Mr. Hunter moved to suspend the rule and read bill No. 99, a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Major, Mansfield,

Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Usrey, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—77.

Those who voted in the negative were,

Messrs. Baird, Dougherty, Keefer, Kelly, Kempf, Knowlton, Lewis, Lawhead, McLain, Murray, Newton, Rynerson, Shull, Thompson of Madison, Turpie and Wheeler—17.

So the rule was suspended, and the bill read a second time by its title.

Mr. Hunter moved to refer the bill to a select committee of five,

Which was agreed to.

Messrs. Hunter, Colgrove, Branham, Smith of Perry and Mellett were appointed said committee.

Mr. Branham moved to suspend the rule and read House bill

No. 98. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation;

A second time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kempf, Lawhead, McLain, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Warren, Nelson, Parks, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—75.

Those who voted in the negative were,

Messrs. Black, Carr, Claypool, Clayton, Clements, Eastham,
16—H. J.

Keefer, Kelly, Knowlton, Lewis, Murray, Newton, Parrett, Snyder, Sullivan, Waterman and Wheeler—17.

So the rule was suspended, and the bill read a second time by sections.

Mr. Colgrove moved to amend by striking out the eleventh and twelfth sections of the bill.

Mr. Blythe moved to refer the bill and pending amendments to the select committee heretofore appointed on House bill No. 99 ;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following engrossed amendment of the House to

Senate bill No. 28. A bill to provide the time, place and manner of electing United States' Senators, and to fix the penalty upon officers failing to certify to said election," viz :

Strike out section sixth and insert in place thereof, the following :

Section 6. "It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage."

And have passed said bill.

On motion,
The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, }
December 17, 1858. }

The House met.

The journal was read and approved.

Mr. Hunter moved to suspend the order of business, in order to make a report from a select committee;
Which was agreed to.

Mr. Hunter, from a select committee made the following majority report, viz:

MR. SPEAKER:

The committee, to whom was referred House bill No. 98, "being an act providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation," have had the same under consideration, and directed me to report the same back with the following amendments:

In section 7, line 6, strike out the following words: "also elect assistants, if necessary, and " and in same section, line 8, strike out the following words: "and assistants," and when so amended the majority recommend its passage.

Which was concurred in.

Mr. Stanfield moved to amend House bill No. 98, by inserting in the proper place as follows:

"That the salary of the president of said board shall not exceed two thousand dollars per annum, nor shall the salary of any clerk or assistant exceed eight hundred dollars per annum."

Mr. Keefer moved to amend the amendment by striking out "two thousand dollars," and inserting fifteen hundred," and also by striking out "eight hundred dollars," and inserting "two dollars per day while actually employed,"

Which was accepted by the mover.

The amendment was then agreed to.

Mr. Stanfield moved to further amend, as follows:

"Section — This act shall not be in force more than three years from and after its passage,"

Which was agreed to.

Mr. Mellett moved to suspend the order of business, in order to introduce the following bill;

Which was agreed to.

By Mr. Mellett,

No. 100. A bill prohibiting any officer or officers, clerk, deputy, employee, or agent of any officer or officers, having charge or under their control in any manner, any of the public funds of this

State, or any county, or township of this State from making any false record, or fraudulent entry concerning the same, knowingly or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor,

Which was read a first time.

Mr. Mellett moved to suspend the rule and read the bill a second time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman, Wood and Mr. Speaker—89.

Those who voted in the negative were,

Messrs. Colgrove, Newton and Thompson of Madison—3.

So the rule was suspended and the bill read a second time.

Mr. Stanfield moved to amend, by inserting in the proper place as follows:

“Or who shall fail or refuse to account for and pay over at the expiration of his term of office, to his successor in office, all interest, premiums or compensations, directly or indirectly received for the use of any such funds.”

Mr. Edwards moved to amend the amendment by inserting in the proper place, “or whenever required by the General Assembly.”

Which was accepted by the mover.

The amendment was then agreed to.

The question being on ordering the bill to be engrossed, It was agreed to.

Mr. Smith, of Perry, moved to reconsider the vote, by which Mr. Stanfield's amendment to House bill No. 98, fixing the salaries of the officers was adopted ;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House without amendment, viz :

House bill No. 73. A bill to raise revenue for State purposes, for the years 1859 and 1860.

The question being on the adoption of the amendment.

Mr. Murray moved to strike out fifteen hundred dollars and insert one thousand dollars, as the salary of the president of the board ;

Which was not agreed to.

Mr. Mellett moved to amend the amendment by making the salary of the clerk fifteen hundred dollars ;

Which was agreed to.

Mr. Murray moved to lay the bill and pending amendment on the table.

Messrs. Murray and Parks demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Boxley, Carr, Claypool, Clements, Davis, Dobbins, Durham, Eastham, Hancock, Harney, Hartley, Jeffers, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parks, Parrett, Row, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood
—40.

Those who voted in the negative were,

Messrs. Austin, Blythe, Boyd, Branham, Brotherton, Cavins, Clayton, Colgrove, Comstock, Davisson, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Keefer, Kempf, Major, Mans-

field, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Tebbs, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—53.

So the motion to lay on the table did not prevail.

Mr. Davis moved to postpone the bill and pending amendment, until 2 o'clock, P. M., and make it the special order of the day at that hour;

Which was agreed to.

Mr. Hunter moved to suspend the order of business, in order to make a report from a select committee.

Which was agreed to.

Mr. Hunter, from a select committee, made the following majority report, viz:

MR. SPEAKER:

The committee, to whom was referred House bill No. 99, being "an act appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State government and repayment of money borrowed for such purposes," have had the same under consideration, and a majority thereof directed me to report the same back with the following amendments:

In section one line ten, strike out the word "said" and insert "the," and when so amended recommend its passage.

Mr. Davis moved to postpone the consideration of House bill No. 99, until 2 o'clock, P. M., to be considered in connection with the bill already made a special order of the day for that hour;

Which was agreed to.

The Speaker laid before the House the following communication from the Superintendent of the Hospital for the Insane:

INDIANA HOSPITAL FOR THE INSANE,
Indianapolis, December 13, 1858. }

HON. JONATHAN W. GORDON,

Speaker of the House of Representatives:

SIR—The resolution adopted by the House, calling upon the undesignated for information touching the "relative cost of supporting patients, *per capita*, in similar institutions in the United States, and the management of the same," &c., &c., involves an extensive

correspondence, to ascertain all the facts, and in consequence, will require several days, if not weeks, to complete the necessary tables of statistics. The proper steps have already been taken to meet the demand of the resolution, and I shall, in as short a time as possible, lay before the House the information sought for.

Very respectfully,

JAMES S. ATHON,

Superintendent.

The Speaker appointed the following special committee under the resolution of Mr. Treadway, offered some days ago, for warming and ventilating the State House:

Messrs. Treadway, Collier, Sherman, Sullivan and Rynerson.

REPORTS FROM STANDING COMMITTEES.

Mr. Griffin, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred Senate bill No. 6, entitled "a bill to cure defects in the execution of deeds or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws," have had the same under consideration and instruct me to report the same back to this House, and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Scott, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred House bill No. 49, entitled "an act regulating the remission of forfeited recognizances," have had the same under consideration, and instruct me to report the same back to this House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Clements, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary, to whom was referred House bill No. 47, entitled "an act declaring what shall be a sufficient seal to deeds of conveyance, and other written instruments therein named, and to cure defects in the execution of deeds and other written instruments heretofore executed," have had the same under consideration, and instruct me to report back to this House, that in as much as there has come from the Senate a bill upon the same subject, we therefore recommend that House bill No. 47, be laid upon the table,

The report was concurred in and the bill laid on the table.

Mr. Rynnerson, from the committee on agriculture, made the following report:

MR. SPEAKER:

The committee on agriculture, to whom was referred House bill No. 44, "a bill to repeal the seventy-third section of an act entitled an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21st, 1852," have had the same under consideration, and have directed me to report the said bill back to the House and recommend its indefinite postponement.

The report was concurred in and the bill indefinitely postponed.

Mr. Hamilton of Boone, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House bill No. 52, "a bill to authorize plank, McAdamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the powers of such consolidated company," have had the same under consideration, and directed me to report the same back to the House and recommend its passage.

The report was concurred in and the bill ordered to be engrossed.

Mr. Harney, from the committee on corporations, made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred House

bill No. 56, have considered the same, and have directed me to report the same back and recommend its passage.

Mr. Dougherty moved to lay the report and bill on the table. Which was not agreed to.

The report was then concurred and the bill ordered to be engrossed.

Mr. Brotherton, from the committee on the organization of courts of justice, made the following majority report:

MR. SPEAKER:

The committee on the organization of courts, to whom was referred House bill No. 42, "an act to establish courts of common pleas, defining their jurisdiction and duties, and providing compensation for the judge and prosecuting attorney thereof, and to repeal an 'act to establish courts of common pleas and defining the jurisdiction and duties of, and providing compensation for the judge thereof,' approved May 14, 1852, and to repeal all other acts inconsistent therewith," have had the same under consideration, and a majority of said committee have directed me to make the following report:

After looking at the bill in its every light, the committee is constrained to make the following objections to it:

First. It requires the holding of too many terms of said court in each county every year.

Second. In civil cases said court is given jurisdiction in too small amounts.

Third. The manner in which the judge of said court is to be paid for his services, will be entirely inadequate in some of the counties of this State, to secure the services of a person who is competent to discharge the duties of such judge.

Fourth. The manner in which said judge is to be paid for his services.

Fifth. That under the system sought to be established by this bill, litigation would be much more expensive than under the present system.

Sixth. That but two classes of persons are to be benefited by this system, viz: Lawyers and professional jurors, and, in the opinion of this committee, the less patronage those two classes receive, the better it is for community.

And in view of these objections, the committee would report said bill back to the House and respectfully recommend that said bill be laid on the table.

Mr. Hunter, from the same committee, made the following minority report :

MR. SPEAKER:

The minority of the committee on the organization of courts, make the following report on House bill No. 42:

In dissenting from the majority report made herein, the minority propose, first, to answer the objections made to said bill by the majority, and secondly, to point out some of the benefits the people are to derive from its passage.

The first objection made to the bill by the majority is, that it requires the holding of too many terms of court in each county every year.

The bill provides for the holding of twelve terms of court a year, each term to begin on the first Monday of every month, and continue in session until all the business of the term is disposed of. This, instead of being an objection to the court, is one of the strongest arguments that could be urged in its favor. The quiet and prosperity of society depend upon the easy access of the people to courts of justice, in which they can redress their wrongs and assert their rights, otherwise they are driven by necessity to take the law into their own hands. The terms of this court being so frequent, and its civil and criminal jurisdiction so extensive, it affords every means for the punishment and prevention of petty crimes, while it gives a speedy remedy for the collection of money, the enforcement of contracts and the redress of private wrongs.

The second objection urged to the court by the majority report is, that in civil cases jurisdiction is given to the court in too small amounts. As the fees of the judge and officers depend upon the amount of business done in this court; in order to give the court respectability and importance make the office of judge sufficiently lucrative to command a high order of legal talent, it was necessary that the greatest possible amount of business should be given to it.

The bill therefore provides that this court shall have original and exclusive jurisdiction in all civil cases where the amount in controversy, exclusive of interest and cost, exceeds fifty dollars, except in cases of slander, libel, breach of marriage contract, malicious prosecution, and where the title to real estate shall come in issue, and concurrent jurisdiction with justice, in all cases where the amount in controversy is fifty dollars and under.

The third objection made to the bill by the majority is, that the manner in which the judge is to be paid for his services, will be entirely too inadequate in some of the counties to secure the services of a person competent to discharge the duties of the office.

Upon examination it will be found that there are not to exceed five counties in this State, but what the number of votes exceed one thousand, and these five are rapidly approaching that number. In all counties where the number of voters is one thousand, the docket fees will pay the judge from six hundred to one thousand dollars a year, while in some of the more populous counties they will pay him from two to three thousand. It will be but a short time until the business in those new counties will be sufficient to amply compensate a judge for his services. It therefore becomes a question of importance to the great mass of the people of the State whether they must be taxed to support an expensive and burthensome judiciary system, because it is feared that a few counties will suffer the inconvenience of a poor judge for a short time. It must be remembered that that inconvenience has been and still is suffered by the people of some of the newly settled counties of this State under the present judiciary system, for the reason that the territory over which the judge is compelled to travel is so great, and the duties so arduous, that the pay will not, nor does not, command the highest order of legal ability.

The fourth objection made by the majority is, the manner in which the judge is to be paid for his services.

The mode pointed out by the bill is by docket fees, this is the only way in which it can be done, unless you tax the people for the purpose. It is but just and right that the parties who litigate should pay the costs of litigation, and not require persons who manage their affairs so as to avoid lawing, to pay any part thereof.

The fifth objection is, that under the system proposed to be established by this bill, litigation would be much more expensive than under the present.

This objection is a mere matter of supposition upon the part of the majority, and not a fact ascertained from actual experiment. The experience of all persons conversant with courts, is that where the terms are few, as under the present system, and the dockets crowded with business, no system can be adopted by which it can be determined with any degree of accuracy, at what time a cause will come on for trial; parties, therefore, in order to obtain their rights, are frequently compelled to wait from day to day, with a large train of witnesses, until their cause can be reached for trial, or suffer a continuance thereof, when the same is called for trial, on account of an absent witness, and the result is when the cause is finally disposed of, both parties are mulcted into a heavy bill of costs. Litigants would much prefer the system proposed by this bill, and have their business done promptly, than the present tedious, dilatory and expensive system, and in the end it will not prove half so ruinous to them.

The sixth objection urged by the majority is, that under the system proposed by this bill, but two classes are to be benefitted, to-wit: lawyers and professional jurors.

How the lawyers are to be particularly benefitted by this court,

the majority of the committee do not state. The minority would respectfully suggest, that perhaps the fear that lawyers would not be benefitted so much by it as under the present system, is one of the strongest objections, upon the part of the majority, to the system. The bill does not give to lawyers any rights or powers that they do not now possess, but leaves their success in business to depend entirely upon the action of the people, if they wish to law more under the system proposed by this bill, when they have to pay for it, than under the present, it is their privilege so to do, and for an abuse of this privilege they can complain of no one but themselves. As to professional jurors, they are nuisances that all courts are and will be annoyed with. The only remedy for the evil, is to elect the right kind of sheriffs, that will not suffer such men to pollute the jury box. If you have not the right kind of sheriff, no system can be devised to prevent their sitting upon juries, while the right of challenge is given to the parties.

The advantages to be derived from this system, over the present, are—

First. The dispatch with which the business can be done, the court holding twelve terms a year.

Second. The court being so frequently in session and having original and exclusive jurisdiction over all misdemeanors, except those in which original and exclusive jurisdiction is given to justices of the peace. It would be a terror to evil doers, and prevent the commission of crime.

Third. It is a court in which the greater part of the legal business of the country can be done, and without any cost to the people.

Fourth. The party having to pay all the costs, it would prevent the petty litigation which is so annoying and destructive of the peace and harmony of the country.

By adding an amendment to the bill and give to the court jurisdiction to try felonies, in cases where the parties are confined in jail, and enter consent of record to be tried in this court, it will avoid the necessity of calling special terms of the circuit court for that purpose, and thus keep the jails rid of prisoners, and save the counties of heavy expense.

Mr. Dobbins moved to lay the whole subject on the table;
Which was not agreed to.

On motion by Mr. Hunter,

The House, at six minutes before twelve o'clock, adjourned until two o'clock, P. M.

2 O'CLOCK, P. M.

House met.

The hour having arrived the House proceeded to the consideration of the

SPECIAL ORDER OF THE DAY.

No. 98. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office, and compensation.

The question being on the adoption of the following amendment of Mr. Stanfield, as amended by Mr. Mellett, to-wit:

“That the salary of the president of said board shall not exceed fifteen hundred dollars per annum, nor shall the salary of the clerk exceed fifteen hundred dollars per annum.”

Mr. Stanfield moved to amend by inserting the following in lieu thereof, viz:

“That the president and employees of said board, shall receive such salaries and compensation as may be allowed by said board, until their salaries and compensation shall be fixed by law.”

Mr. Murray, at half past four o'clock, P. M., moved that the House do now adjourn;

Which was not agreed to.

The question being on the adoption of the amendment to the amendment.

Mr. Clements moved to make the whole subject the special order of the day for to-morrow morning at nine o'clock;

Which was agreed to.

Mr. Stanfield, from the committee on free conference, made the following report, viz:

MR. SPEAKER:

The committee of free conference, on the part of the Senate and House, to whom was referred the engrossed amendment of the House and Senate bill No. 3, “a bill to provide for the appraise-

ment of real estate, and prescribing the duties of officers in relation thereto," have had the same under consideration, and have directed me to report to the House, that they recede from the engrossed amendment of the House to the first section of the bill.

That they insist upon the engrossed amendment of the House to section five, after striking out the proviso in said section.

That the amendment of the House to section 24, has been rejected by the committee, and that said section has been further amended by adding thereto the words "and especially so much of section 32, 33, 34 and 35, as are inconsistent with the provisions of this act."

Which was concurred in.

Mr. Nebeker of Warren, from the committee on fees and salaries, obtained leave and made the following report:

MR. SPEAKER:

The committee of accounts on mileage has instructed me to offer the following resolution:

Resolved, That each member of the House be respectfully requested, on or before Monday next, to hand to the chairman of said committee, their accounts on mileage, computing the distance from their usual place of residence to the seat of government and back, by the most direct traveled route.

The report was concurred in.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has concurred in the report of the committee of free conference on Senate bill No. 3, "a bill to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto.

On motion by Mr. Durham,
The House adjourned until to-morrow morning, 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
December 18, 1858. }

The House met.

The Clerk proceeded to read the journal,

When,

On motion by Mr. Boyd,

The further reading was dispensed with.

The hour having arrived, the House proceeded to consider the

SPECIAL ORDER OF THE DAY.

No. 98. A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation.

The question being on the adoption of the following amendment offered by Mr. Stanfield, to the amendment previously offered by the same gentleman and amended on motion by Mr. Mellett, to wit:

“That the president and employees of said board shall receive such salaries and compensation as may be allowed by said board until their salaries and compensation shall be fixed by law,”

It was agreed to.

The amendment as amended was then agreed to.

Mr. Smith of Perry, moved to amend the first section by striking out “present,” and substituting the words “next regular.”

Which was agreed to.

Mr. Smith of Perry, moved to amend the eleventh section by striking out the words “hereinafter designated,” in the seventh line, and inserting in lieu thereof, the words “and for all other sums and funds which he is or may be required by law to disburse,”

Which was agreed to.

Mr. Smith of Perry, moved to amend by adding the following section:

Section 13. That the said sinking fund shall not have any lien

upon the funds described in section two, of article eight, of the constitution, for any advancements made or to be made by said sinking fund to the State, but said funds shall be kept separate and distinct from the funds belonging to said sinking fund and the revenues of the State proper, and shall be paid out on the check of said treasurer at the times, and in the manner, and for the purposes now provided by law and not otherwise.

Which was agreed to.

Mr. Smith of Perry, moved to further amend by adding,

Section 14. That the said sinking fund shall have a lien upon the funds belonging to the State proper, and which may be deposited by virtue of this act, for the advancements already made and to be made by said fund to the State, and the said sinking fund shall not be required to pay out the funds herein named, other than trust funds, until the said sinking fund shall be reimbursed for all sums of money advanced to the state,

Which was agreed to.

The question being on the engrossment of the bill.

Mr. Murray moved to recommit to a select committee with the following instructions:

“To provide for funding and repaying the sinking fund the amount now due said fund from the State.”

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House, that he has approved and signed the following bill:

Senate bill No. 11. “An act in relation to ventilating, repairing and warming county prisons.”

The question being on recommitting to a select committee with instructions as made by Mr. Murray.

Mr. Edwards called for a division of the question,
Which was so ordered.

The question being on the motion to recommit to a select committee.

Messrs. Murray and Durham demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Black, Bowman, Boyd, Carr, Claypool, Clements, Colgrove, Cotton, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Gregory, Hancock, Harney, Harley, Jefferis, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Newton, Parks, Parrett, Power, Prosser, Row, Rynerson, Shockley, Snyder, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—47.

Those who voted in the negative were,

Messrs. Austin, Boxley, Branham, Brotherton, Cavins, Comstock, Davisson, Devol, Edwards, Fordyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Jones, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Ritter, Robinson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Stiles, Stinson, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—43.

So the motion to recommit did prevail.

The question then being on the following instructions offered by Mr. Murray:

“To provide for funding and repaying the sinking fund the amount now due said fund from the State.”

Messrs. Murray and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Black, Bowman, Boyd, Boxley, Carr, Claypool, Clements, Colgrove, Collier, Cotton, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gregory, Gifford, Hall of Grant, Hall of Rush, Hamilton of Boone, Hancock, Harney, Harley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Massey, Murray, Martin, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whiteman, Wildman and Wood—73.

Those who voted in the negative were,

Messrs. Branham, Brotherton, Cavins, Comstock, Davisson, Griffin, H. J.—17.

fin, Hamilton of Wayne, Harrison, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Smith of Perry, Treadway, Whetzel and Mr. Speaker—14.

So the motion did prevail.

Mr. Edwards moved to reconsider the vote just taken on the adoption of the instructions;

Which was not agreed to.

At eleven o'clock, A. M., the Speaker declared the House adjourned, under the resolution of the House heretofore adopted, until Monday next at 2 o'clock, P. M.

MONDAY, 2 o'clock, }
December 20, 1858. }

The House met.

The journal was read and approved.

The Speaker laid before the House the following communication from the Superintendent of the Institution for the Education of the Blind:

INSTITUTE FOR THE EDUCATION OF THE BLIND, {
Indianapolis, December 20, 1858. }

TO HON. J. W. GORDON,

Speaker of the House of Representatives:

SIR:—I am in receipt of the following resolution of the House, to-wit:

Resolved, "That the respective superintendents of the benevolent institutions of this State are directed to inform this House, as soon as the fact can be obtained, of the relative cost *per capita* of supporting similar institutions in the United States, such information to be given in tabular form, showing number of managers, in-

structors and employees, cost of general management, of subsistence, of clothing, and of all other expenses, and also the character of, and receipts from, the labor performed at such institutions."

And in answer thereto I submit the following :

The information desired cannot be furnished with entire accuracy, owing to the incompleteness of detail in the reports of the several institutions and the different modes of keeping their accounts. But as few of their reports are at hand, and of these I have selected two of the most populous States in the confederacy, New York and Pennsylvania, and the two western States immediately adjoining us, Ohio and Kentucky. From these the annexed table is compiled, showing as far as practical the facts desired by the House, in connection with the report from this institution for the fiscal year just closed. This statement shows the number of pupils and expense *per capita* to be as follows :

In Pennsylvania 150 pupils, expense <i>per capita</i>	\$210 37
In New York 186 pupils, expense <i>per capita</i>	150 50
In Ohio 77 pupils, expense <i>per capita</i>	180 42
In Kentucky 60 pupils, expense <i>per capita</i>	265 84
In Indiana 53 pupils, expense <i>per capita</i>	203 48

The list of pupils in New York and Pennsylvania embraces a large number of "pay pupils," who are no expense to the institutions, except for board and tuition, while in Indiana the institution is open to all, and every item of expense is charged up against the institution.

I have not access to recent reports from other institutions, but find a tabular statement in the new Cyclopedia, stating the annual expense of the different institutions of the United States, from which I find the *per capita* expense of subsistence and instruction, as follows :

In Virginia 44 pupils, expense <i>per capita</i> ,.....	\$314 00
In Tennessee 25 pupils, expense <i>per capita</i> ,	173 00
In Illinois 50 pupils, expense <i>per capita</i> ,.....	233 00
In Wisconsin 24 pupils, expense <i>per capita</i> ,.....	350 00
In Missouri 36 pupils, expense <i>per capita</i> ,.....	238 00
In Mississippi 17 pupils, expense <i>per capita</i> ,.....	350 00
In Georgia 20 pupils, expense <i>per capita</i> ,.....	200 00
In Iowa 27 pupils, expense <i>per capita</i> ,.....	212 00
In South Carolina 15 pupils, expense <i>per capita</i> ,.....	538 00

How far these statements are reliable I am not prepared to say. As a general principle, it will be found that the greater the number of pupils, the less will be the proportional expense. Thus, in this institution three times the present number of pupils could be accommodated, with but a small addition to various items of expen-

diture. Whether the number of pupils be few or many a corps of capable and experienced teachers must be employed in the several departments of instruction; the institution must be lighted and warmed, the building and grounds kept in repair. With double the number of pupils, I have no hesitation in saying, that the expense *per capita*, could be diminished so as to compare favorably with that of any similar institution in the United States. During my term as superintendent, the most rigid economy has been adopted consistent with the comfort and welfare of the pupils. All have fared alike, superintendent, teachers, employees and pupils. The various items of expenditure have been carefully examined by the trustees, and no expense incurred without their approbation; in all cases the bills are on file, and open to the examination of all interested. In making sales of manufactured articles, it was sometimes necessary to receive in payment, articles of subsistence at a small advance from cash prices, but in all other cases the principle was adopted to purchase all the stores and necessities required wherever they could be obtained the cheapest. Such purchases have all been made under the direct supervision of the superintendent or the matron.

The item of clothing is a very considerable one, but is mostly returned to the institute by the labor of the pupils in the work department, or by advances from the several counties. It however appears in the report as an item of expense.

In Ohio, on the contrary, parents and guardians are required to provide their children with good and suitable clothing, to pay their traveling expenses, and also, deposit with the steward a small sum for occasional expenses. Were these items deducted from the expenses of this institution, the expense *per capita* would be found to be less than in Ohio, or any other western State.

The subordinate employees in the Institution are as follows:

Two men laborers at \$20 per month each; two washers at \$9 per month each; one cook at \$16 per month, and one at \$10 per month; two chambermaids at \$8.50 per month each; one seamstress at \$10 per month; two dining room girls at \$8.50 per month each.

For further information the Honse is respectfully referred to the annual reports of the trustees of the Institution.

Respectfully submitted,

J. McWORKMAN,
Superintendent.

TABULAR STATEMENT.

NAMES OF INSTITUTIONS.	Number of Managers.	Number of Instructors.	Number of other Employees.	Total Expenses.	Improvements and Repairs.	Expenses of Work Department.	Miscellaneous.	Net Current Expenses.	Receipts from Work Department.	No. of Pupils.	Expense per capita.
Pennsylvania.....	92	16	Not given.	\$42,732 27	.....	\$11,116 07	.....	\$31,556 20	\$123 10	150	\$10 37
New York.....	20	25	"	48,142 36	\$2,702 62	12,743 42	\$5,002 72	27,391 60	9,587 07	186	150 50
Ohio.....	3	8	14	17,453 76	2,507 08	993 47	.....	13,892 61	632 76	77	180 42
Kentucky.....	9	5	.....	15,950 71	.....	.....	.....	15,950 71	.....	60	265 84
Indiana.....	6	5	11	12,244 01	436 64	912 80	110 00	10,784 57	1,027 12	53	203 48

NOTE—Since writing the above, I have been informed by the Superintendent of the Wisconsin Institution that the forthcoming report from that Institution will state that the ordinary expenses of that Institution, after deducting expenses for school books and apparatus. Improvements and expenses of work department, are but little over two hundred dollars per capita.

J. McW.

Mr. Harney moved that the report be laid on the table and two hundred copies be printed for the use of the House;
Which was agreed to.

Mr. Hunter moved to suspend the order of business, in order to afford him an opportunity to make a motion to reconsider the vote taken on Saturday last, by which House bill No. 98, "a bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office, and compensation," was re-committed to a select committee.

Mr. Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills, have compared enrolled bills of the House, Nos. 23, 32, 38, 39, 19, 43 and 73, with the engrossed copies thereof, and find the same correctly enrolled.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to present to the House of Representatives, for the signature of its Speaker, the following enrolled bill of the Senate, viz:

"Senate act No. 3. An act to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto"

The Speaker signed the bill.

The question being on the motion to reconsider.

On motion by Mr. Hartley,
The House adjourned until to-morrow morning, 9 o'clock.

TUESDAY MORNING, 9 o'clock, {
December 21, 1858. }

The House met.

On motion by Mr. Murray,
The reading of the journal was dispensed with.

Mr. Mansfield, from the committee on education, asked and obtained leave and made the following report:

MR. SPEAKER :

The committee on education, to whom was referred a resolution offered by the Representative from Warren, stating that the State was indebted to the sinking fund, in two several debts, one of which amounted in the year 1853 to the sum of \$800,000 00, and the other 'o the sum of \$128,000 00, and instructing said committee to report a bill to more effectually secure said fund in the payment of these debts, have had this subject under consideration, and they have instructed me to report, that the State debt of \$128,000, as referred to in the resolution, has already been disposed of in House bills 98 and 99, which bills are now pending before the House.

In regard to the other debt of \$800,000, which was incurred by the State, under an act of the legislature of February 6th, 1843, and under a joint resolution of January 31st, 1842, the committee beg leave to state that this debt, with six per cent. interest per annum, is justly due to the sinking fund, that it is a debt of nearly eighteen years standing, that no interest has ever been paid thereon, and that no provisions has as yet been made for the payment of the principal or for the payment of the interest on the debt.

The committee are of opinion that it is of vital interest to the system of our common schools, and that the honor of the State requires that this debt should be fully secured to the sinking fund without further delay, and that provision should be made for the payment of the interest thereon. To this intent said committee respectfully recommend the introduction of the following bill:

No. 101. A bill to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt.

The report was concurred in,

And the bill read a first time and passed to a second reading.

Mr. Lawhead moved to suspend the order of business and take up Senate bill No. 5, and accompanying message;

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill thereof, viz:

Senate bill No. 5. A bill to amend the 32d section of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1858.

In which the concurrence of the House is respectfully requested.

Senate bill No. 5, contained in the foregoing message, was read a first time.

Mr. Lawhead moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, Major, Mansfield, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Thompson of Elkhart, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—80.

Those who voted in the negative were,

Messrs. Austin, Clements, McLain and Newton—4.

So the rule was suspended and the bill read a second time by its title.

On motion by Mr. Lawhead,
The bill was referred to the committee on corporations.

Mr. Carr, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee of three, to whom was referred Senate bill

No. 59, "a bill to amend the third section of an act entitled 'an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilots, and providing for the compensation of such pilots and the revocation of their licenses,' approved June 15, 1852," have had the same under consideration, and have directed me to report it back to the House and recommend its passage.

The report was concurred in and the bill read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Braham, Brotherton, Cair, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Dobbins and Shall—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Brotherton, from the committee on corporations, obtained leave and made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 20, "a bill to authorize the incorporation of associations formed for building towns within this State," have had the same under consideration, and direct me to report the same back with the following amendments, and when so amended to recommend its passage:

Amend section first in the third line by inserting after the word "persons," "who may," and after the word "have," in the same line, "heretofore." And amend the same section in the fourth line by striking out the words "desire to associate."

Amend the second section in the sixth and seventh lines by striking out the words "or is to be." And amend the same section in the tenth line by striking out the words "seven days," and inserting in lieu thereof, "three weeks."

Amend the third line of the third section by striking out the word "may," after the word "secretary," and inserting in lieu thereof, the word "shall."

Amend section fifth in the fourth line by striking out the word "three," and inserting instead thereof the word "twenty."

Amend the seventh section by adding the following:

"But nothing herein contained shall be so construed as to exempt such lands from taxation as other lands are taxed."

Amend section eighth by striking out the word "may," after "corporation," and inserting in lieu thereof the word "shall."

The report was concurred in and the amendments agreed to.

Mr. Blythe moved that the amendments made by the committee be considered engrossed and the bill read a third time now;
Which was agreed to.

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State.
Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Dobbins, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—82.

Those who voted in the negative were,

Messrs. Dougherty and Martin—2.

So the bill passed.

Mr. Brotherton moved to amend the title as follows :

Strike out after the word "bill," and insert the following: "to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporations of real estate, the titles to which have been taken in the names of trustees,"

Which was agreed to.

Ordered, That the clerk inform the Senate of the passage of said bill.

Mr. Dougherty asked to suspend the order of business, in order to introduce the following resolution :

Which was agreed to.

On motion by Mr. Dougherty,

Resolved, That as it is of vital importance that a temperance law shall be enacted at the ensuing session, which will meet with the approbation of, and be enforced by the people, and as the several temperance bills now before the House and its several committees, each probably embraces some good points, it is ordered that two hundred copies of each of said bills be printed for the use of the House, in time to enable members to take such bills home and confer with their constituents on the subject matters thereof.

Mr. Hunter moved to suspend the order of business, and take up the motion to reconsider the vote by which House bill No. 98, "a bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation," was re-committed to a select committee, which motion was pending at the adjournment of the House on last evening;

Which was agreed to.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills:

Senate bill No. 3. "An act to provide for the appraisement of real estate and prescribing the duties of officers in relation thereto."

House bill No. 39. "An act to regulate the collection of judgments and the sale of property on executions against any sheriff, constable or other public officer, administrator, guardian, executor or any other person or corporation, receiving or holding moneys in a fiduciary capacity, or the sureties of any or either of them."

House bill No. 23. "An act to repeal an act entitled 'an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in cases therein named, and to repeal all former acts inconsistent therewith and for the suppression of intemperance,' approved February 16th, 1855."

House bill No. 38. "An act legalizing the acknowledgment of all deeds, mortgages, and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the revised statutes of 1852, in their respective counties."

House bill No. 43. "An act to authorize churches to form a union, assume a new name, appoint trustees, and enable them to receive conveyances of lands, and donations of personal property."

House bill No. 32. "An act to repeal an act entitled 'an act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana, by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana,' approved March 7th, 1857."

House bill No. 73. "An act to raise a revenue for State purposes for the years 1859 and 1860."

House bill No. 19. "An act to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officer or person doing business in the counties, and have exercised corporate powers."

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to announce to the House of Representatives that the Senate has passed the following enrolled bill thereof, the objections of his Excellency, the Governor, to the contrary notwithstanding, viz:

Senate bill No. 28. A bill to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election.

The question being on reconsidering,
Mr. Smith, of Perry, moved the previous question.
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question being on reconsidering the vote recommitting the bill.

Messrs. Turpie and Murray demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davison, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—48.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Early, Firestone, Gifford, Hancock, Harney, Jeffries, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, Massey, Murray, Nelson, Newton, Parrett, Rynerson, Shockley, Skull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—43.

So the motion to reconsider did prevail.

On motion by Mr. Colgrove,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

On motion by Mr. Edwards,

A call of the House was ordered.

Mr. Colgrove moved that the Doorkeeper inform the absentees of the call of the House;

Which was agreed to.

The Clerk proceeded with the call and after going over the list several times, the following members answered to their names:

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—96.

Mr. Dobbins moved that a further call be dispensed with ;
Which was not agreed to.

The following additional members finally answered to their names, to-wit :

Messrs. Miller and Sherman,
When,

On motion by Mr. Gregory,
The further call was dispensed with.

The question being on recommitting House bill No. 98, "a bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation," to a select committee,

Mr. Gregory moved to lay the motion on the table.

Messrs. Murray and Jordan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, White-man, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Hancock, Hartley, Jeffcris, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Rynerson, Shockley, Shull, Stanley, Snyder, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the motion to recommit was laid on the table.

Mr. Colgrove moved to amend by striking out the eleventh and twelfth sections of said bill.

Messrs. Scott and Sullivan demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jeffcris, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—48.

Those who voted in the negative were,

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter,

Robinson, Row, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—50.

So the motion to amend was not agreed to.

Mr. Dougherty moved to amend by inserting after the word "made," in the fourteenth section, the following: "To the State officers for the payment of the installment of July, 1858, of interest on the foreign debt,"

Which was agreed to.

Mr. Austin moved the previous question,
Which was seconded by the House.

The question being shall the main question be now put?
It was so ordered.

The question then being shall the bill be engrossed?

Messrs. Murray and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wilman and Mr. Speaker—50.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Knowlton Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Row, Rynerson, Shocaley, Shall, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the bill was ordered to be engrossed,

Mr. Edwards moved that the bill be considered as engrossed and read a third time now.

Messrs. Murray and Davis demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Colgrove, Collier, Davis, Dobbins, Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Newton, Parrett, Row, Rynerson, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—45.

So the motion did prevail.

House bill No. 38 was then read a third time.

The question being, shall the bill pass?

Mr. Whiteman moved the previous question.
It was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Kempf, Major, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Prosser, Ritter, Robinson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Blythe, Bowman, Carr, Claypool, Clayton, Clements, Collier, Colgrove, Davis, Dobbins, Durham, Early, Eastham, Firestone, Hancock, Harney, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Murray, Nelson, Newton, Parrett, Row, Rynerson, Shocklev, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed engrossed bill of the House No. 79, "a bill to provide for the location of county seats, and for county buildings where two-thirds of the voters of any county have petitioned for re-location, designating the site, and a house to be used as a courthouse, and when a deed has been executed, and to provide for the limitation of actions growing out of such re-location, and for the donation of the former county property," with the following amendments:

In which the concurrence of the House is respectfully requested.

Amend section 2, by striking out "fifteen," where it occurs and inserting "twenty."

Amend in the fourth line of section 5, by inserting after the article "a" the word "suitable," and after the word "building" the word "buildings," and after the last word in the eighth line the same word.

Amend section 5 by striking out of the 11th and 12th lines the words "or by any one of them."

Amend the first line of section 8, by substituting for the words "twenty-eight" the words "thirty-five."

Amend in the second line of section 11, by substituting for the words "twenty-five" the words "thirty-five," and by striking out the words "and notes" in the third line.

Amend section 12, second line, by striking out the word "lawyers" and inserting the words "suitable person or persons."

Amend section 13, by inserting after the word "act" in the third line the words "provided such public buildings are completed."

Add section 18 as follows :

Section 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855, to which this act is a supplement.

Add section 19. Nothing in this act shall be so construed as to permit any money to be drawn from the general fund of the county treasury, for the purpose of carrying out any of the provisions of this act.

Amend the title by striking out all after the word act where it first occurs and insert the following :

"Supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings, in case of such re location," approved March 2, 1855, so as to provide for the re-location of county seats, and for the erection and preparation of county buildings in counties where two thirds of the legal voters have petitioned therefor, designating a site, and a house to be used as a court-house, and where a deed has been executed, to provide also for the transfer of any equitable title, for the limitation of actions growing out of such re-location, and for the transfer of the former county property."

On motion,

The amendments of the Senate were concurred in by the House.

Ordered, That the clerk inform the Senate thereof.

Mr. Murray moved to suspend the order of business and take up the following message from the Governor :

Which was agreed to.

Gentlemen of the House of Representatives :

I return to you enrolled bill of the Senate No. 28, entitled "an act to prescribe the time, place and manner of electing United States' Senators, and to fix the penalty upon officers failing to certify to said election."

It is to be regretted that there should be any necessity for State legislation on this subject.

The constitution of the United States confers upon Congress full power to regulate the time and manner for choosing Senators

The authors of that constitution anticipated that confusion might arise from the conflicting rules of the States—that even some States might decline entirely to be represented in the Senate.

The result of the failure of Congress to exercise the power conferred upon it, has been that conflicting rules and regulations have been adopted in reference to the manner of elections, to such an extent that it is now apparent that no uniform rule can be adopted on the subject until Congress executes the provision of the Constitution to which I have before alluded.

But since Congress has failed to pass any law upon the subject, and inasmuch as there is no rule provided by the Legislature of the State, I regard it as highly proper that one should be established.

But in establishing the regulation which shall prevail in the future, would it not be wise to so make it, that hereafter, we may avoid all difficulty on the subject? You are not unmindful of the history of this question in the State. Frequently the election of United States Senators has been the all absorbing question before the Legislature, and for this reason great public interests have been neglected, domestic legislation, in which the welfare of the State, and the happiness of her people were involved, have been disregarded. The differences of opinion between the two Houses of the General Assembly, as to the propriety of elections, and the persons to be chosen, have been so great, that at sometimes no election has been had, and our State for years in part been unrepresented in the United States Senate. I make no inquiry as to who has done right or wrong in these various conflicts.

Each individual who has been an actor in the scenes is responsible for the part he has taken to the constituency he represented, and in a free government, like our own, an intelligent and patriotic people will give to each his just reward or punishment, as his conduct may deserve.

More harmony will prevail in your deliberations, less excitement be occasioned among the constituents you represent, should a law be passed that placed it beyond the power of either House of the General Assembly, by its separate action to defeat an election of United States Senators.

Section 2d of the bill you have passed requires that a majority of the whole number of the members of the Senate, and a majority of the whole number of the members of the House shall be necessary to designate the Senator. If such majority of each branch of the General Assembly could be procured, it would be a simple mode of election. But the history of the State shows that in times past, on several occasions, no such concurrent majority could be procured; and for that reason the State has been without her proper representation in the Senate.

It is desirable that at all times, Indiana should have her full constitutional delegation in the Senate; and the Legislature should endeavor to place it there, if it can be done without doing violence.

to our Constitution. The practice heretofore has been to require a majority of the General Assembly to choose the Senators.

It has been sometimes impossible to bring the Houses together so that a vote could be obtained. If the law provided for the creation of a joint convention, or any other mode of election whereby a majority of the General Assembly could elect the Senators, so far as the mode and manner of election is concerned, it would command my approval. But there are provisions in the bill which, in my judgment, are in conflict with the Constitution of the State.

Section 3d of the bill prescribes the duties of the President and Secretary of the Senate, the Speaker and Clerk of the House of Representatives and the Secretary of State, and section 5 declares that a failure, neglect or refusal of any of the above named officers, or either of them, to perform the duties to them assigned, shall render them guilty of a misdemeanor and subject them to the penalty of a fine.

The 19th section of article 4 of the Constitution of the State provides that "every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title."

The Supreme Court of the State in the case of the Indiana Central Railway Co. v. Potts and others, 7th Indiana Reports 681, have construed this section of the Constitution. They held that provision for a criminal prosecution cannot be included in a civil act. The court has fully discussed this section of the Constitution, showing the reasons why and the necessity for its adoption. Section 20 of the same article declares that the General Assembly shall not pass local or special laws for the punishment of crimes and misdemeanors. This bill provides that the officers of the Legislature, chosen by each branch, shall be guilty of a misdemeanor in the special case there named, while in no way held responsible for any other dereliction of duty. The only way in which they can be punished is by a general act, making it an offense to refuse to obey the orders of the House where said officers are elected.

Again, the bill provides that the Secretary of State shall attach the seal of State to the certificates of elections, and upon failure thus to do he shall be guilty of a misdemeanor. I know of no section of the Constitution which gives to the Secretary control of the seal of the State. Section 5 of article 15 of the Constitution provides that there shall be a seal of State, kept by the Governor, which shall be called "the seal of the State of Indiana." It would be manifestly unjust to punish that officer for failing to perform an act not in his power. But if the seal of the State was intrusted to his keeping, and he alone required to impress it as an evidence of the official action of the Legislature, a failure on his part to obey the direction of the Legislature gives to that body no power to punish him by either fine or imprisonment. Section 1 of article 6 of the Constitution provides that "there shall be elected by the

voters of the State a Secretary, an Auditor and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law." Section 7 of the same article provides that "all State officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly, two-thirds of the members elected to each branch voting in either case therefor."

The Secretary of State holds an office created by the Constitution. He is elected by the people to discharge the duties assigned to him by the Constitution and the laws of the State. He is required to take his oath of office, that he will obey the Constitution and discharge his duties. If by any act of his personal wrong is done to a citizen, the remedy for that wrong is upon his official bond. If he is guilty of a crime or misdemeanor, for the punishment of which the criminal or penal code of the State provides, he is liable to be punished upon information or indictment. But for a failure to discharge his official duties he can only be punished in accordance with the provision of the Constitution, as heretofore set forth in section 7, of article 6—that is, by impeachment or removal from office. The people of the State, in the adoption of the section above mentioned, provided the means whereby the officers of State, by them chosen, should be punished for official negligence. They conferred upon the General Assembly the power to arraign such officers before them, and depose them for a failure to discharge their duties. They never did confer upon the General Assembly the power to punish, in a court of justice, any of the State officers above mentioned for failure to perform any of the duties assigned them by law. They gave to every officer of State the same right as they did to every member of the General Assembly, after taking his oath to support the Constitution of the State, according to his own judgment—to put his construction thereon. They provided no punishment except that of expulsion for neglect of duty on the part of a member of the General Assembly, of which negligence the House to which he belonged could alone decide, and of the negligence of an officer of State they provided that the General Assembly could alone decide. Therefore, the provision of this bill which subjects the Secretary of State to punishment for a neglect to execute your commands, I regard as clearly in violation of the Constitution.

For these reasons I cannot approve the bill.

ASHBEL P. WILLARD.

The question being, shall the bill pass, the Governor's veto to the contrary notwithstanding?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman, and Mr. Speaker—49.

Those who voted in the negative were,

Messrs. Black, Blithe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stanfield, Stinson, Sullivan, Summers, hebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, and Wood—48.

So the bill failed to pass for want of a constitutional majority.

On motion by Mr. Murray,

At four o'clock, P. M., the House adjourned until to-morrow morning 9 o'clock.

WEDNESDAY MORNING, 9 o'clock, }
December 22, 1858. }

The House met.

On motion by Mr. Boyd,
The reading was dispensed with.

Mr. Smith of Perry moved to suspend the order of business and take up House bill No. 79, and accompanying message from the Senate;

Which was agreed to.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed House bill

No. 79. A bill supplemental to an act entitled "an act to provide for the location of county seats, and for the erection of public buildings in counties in case of such re-location," approved March 2, 1855, and providing for re-location where lands and court house have been donated and petition filed; with the following engrossed amendments thereto :

In which the concurrence of the House of Representatives is respectfully requested.

Amend section 2 by striking out "fifteen" where it occurs and inserting "twenty."

Amend in the fourth line of section five, by inserting after the article "a" the word "suitable," and the word "building" the word "buildings," and after the last word in the eighth line the same word.

Amend the first line of section eight, by substituting for the words "twenty-eight" the words "thirty-five."

Amend in the second line of section 11, by substituting for the words "twenty five" the words "thirty-five," and by striking out the words "and notes" in the third line.

Amend section thirteen, by inserting after the word "act" in the third line, the words "provided such public buildings are completed."

Add to section 18 as follows :

Sec. 18. This act shall not be taken or considered as repealing any of the provisions of an act entitled "an act to provide for the re location of county seats, and for the erection of county buildings in case of such re-location," approved March 2, 1855, to which this act is a supplement.

Add sec. 19. Nothing in this act shall be so construed as to prevent any money to be drawn from the general fund of the county treasury, for the purpose of carrying out any of the provisions of this act.

Amend the title by striking out all after the word act where it first occurs, and insert the following :

Supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location," approved March 2, 1855; so as to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two thirds of the legal voters have petitioned therefor, designating a site, and a house to be used as a court house, and where a deed has been executed; and to provide also for the transfer of any equitable title, for the limitation of actions growing out of such re-location, and for the transfer of the former county property.

On motion by Mr. Smith of Perry,
The amendments were agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Jones asked and obtained leave to introduce the following bill:

No. 102. A bill to establish the independent treasury of the State of Indiana, to provide for the safe-keeping and disbursement of the public money of the State and of the several counties thereof, creating the office of Comptroller of the Treasury, and prescribing the manner of his election, defining his duties, and fixing his compensation; defining the duties of Treasurer of State, Auditor of State, and other State officers, and the duties of county auditors and treasurers; and for the examination of the State and county treasurers, and other county officers, and providing for the punishment of the crime of embezzlement of public moneys, and fixing other penalties for the violation of the provisions of this act.

Which was read a first time.

Mr. Jones moved to suspend the rules and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Blythe, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Claypool, Clayton, Clements, Collier, Comstock, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hancock, Harney, Hartley, Hunter, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Miller, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parrett, Prosser, Ritter, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Tread-

way, Usrey, Waterman, Whiteman, Wood and Mr. Speaker—71.

Those who voted in the negative were,

Messrs. Bowman, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Johnston, Robinson, Rynerson, Thompson of Elkhart, Wheeler, Whetzel, and Wildman—12.

So the rules were suspended, and the bill read a second time by its title.

Mr. Prosser moved that the bill be laid on the table and two hundred copies be printed for the use of the House.

Mr. Keifer moved to amend by striking out "two hundred copies" and inserting "five hundred copies."

Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to present to the House of Representatives, for the signature of the Speaker, the following enrolled bill of the Senate:

Senate bill No. 20. A bill to authorize the incorporation of associations formed for building towns within this State.

Mr. Dobbins asked that the order of business be suspended to enable him to make a report from a select committee.

Which was agreed to.

Mr. Dobbins, from a select committee, made the following report:

MR. SPEAKER:

The select committee consisting of one member from each Congressional district in the State, to whom was referred a resolution of the House, making it imperative on the committee to report a bill for the erection and maintainance of not more than three houses of refuge in suitable locations in the State, for the correction and reformation of juvenile offenders, have had the same under consideration, and have directed me to report, that in the opinion of the committee, many great necessities exist for the erection and maintainance of said houses, and that it is the duty of the Legislature, at as early a day as possible, to make pro-

visions for the accomplishment of these ends, and for the regulation and government of these institutions. But in the opinion of the committee under existing circumstances, owing to the late day of the session, it would be inexpedient to introduce a bill on the subject, at this time, from the fact that the committee will not have sufficient time to draft a bill as well guarded as it should be, to have it acted upon successfully at the present session, the committee therefore hope and trust that the subject will claim the early and favorable attention of the members during the regular session of the Legislature, all of which is very respectfully submitted.

Which was not concurred in.

Mr. Austin asked that the order of business be suspended to enable him to make a report from the committee on temperance; Which was agreed to.

Mr. Austin, from the committee on temperance, made the following report:

MR. SPEAKER:

Your committee to whom was referred various resolutions instructing them to report a well regulated license law, have had the same under consideration, and have directed me to make the following report, and submit the accompanying bill: Your committee in reporting this bill do not wish the House to understand that the bill reflects their sentiments, but they report it in obedience to the instructions of the House: your committee would further submit that inasmuch as the House have constituted a special temperance committee to take charge of a part of the business that should legitimately pass through the hands of the regular committee, therefore your committee would respectfully deliver up all resolutions, petitions and House bill No. 64, into the possession of the House, and ask to be released from further obligations concerning them, and would recommend that they be placed in the hands of the special committee.

Mr Davis moved to lay the report and accompanying bill and papers on the table;

Which was agreed to.

Mr. Blythe, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The select committee, to whom was referred House bill No. 65, entitled "a bill to license, regulate and restrain the sale of spiritu-

ous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime; to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act," have had the same under consideration, and have directed me to report the same back with the following amendments, and when so amended the committee recommend the passage of the bill:

Amend section 4 by striking out the word "fifty" and inserting "not less than twenty nor more than three hundred."

Amend section 8 by striking out the word "ten," in the twelfth line and inserting the word "five."

Amend section 9 by striking out the word "ten," in the eighth line, and inserting the word "five."

Amend by adding in the proper place:

Section — No prosecution shall be instituted or maintained against any person for any violation of any of the provisions of this act occurring between the time when it shall take effect, and the close of the first regular session of the board of commissioners of the proper county thereafter.

Amend section 13 by striking out the words "the court of common pleas," and inserting "any court of competent jurisdiction."

The report was concurred in.

Mr. Blythe moved to lay the report and accompanying bill and amendments on the table;

Which was agreed to.

Mr. Comstock asked that the order of business be suspended to enable him to make a report from the committee on roads;

Which was agreed to.

Mr. Comstock, from the committee on roads, made the following report:

MR. SPEAKER:

The committee on roads, to whom was referred Senate bill No. 15, "a bill to authorize and empower the county commissioners, or board doing county business, in any county to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same," together with the pending amendment, have considered the same, and have instructed me to strike out section 3 of said bill. and amend said amendment by inserting after the word "plank," in the second line of said proposed amendment, the words "gravel and McAdamized," and when so amended your committee recommend the adoption of said amendment and the passage of said bill.

Mr. Ritter moved to amend the amendment by striking out of the report that portion which strikes out the third section of the bill.

Mr. Gifford moved to amend by adding after the word "abandoned," in the eighth line of section first, these words, to-wit: "and all claims thereto relinquished by said company," also, to amend the title of the bill so as to correspond with this amendment.

Mr. Hall of Rush, moved to recommit the bill and report to a select committee of three;

Which was not agreed to.

The report as amended was then concurred in and the amendments ordered to be engrossed.

Mr. Davis asked leave of absence for Mr. Murray from and after to-morrow at 12 o'clock, M.;

Which was granted.

Mr. Branham asked and obtained leave to introduce the following resolution:

Resolved, That the chairmen of the committees of this House, who have employed clerks, and also other employees in the service of said committees, and by what authority they were employed, and in what service engaged, report their names and number of days employed to the committee of ways and means immediately.

Which was agreed to.

Mr. Stiles, from the committee on corporations, obtained leave and made the following report:

MR. SPEAKER:

The committee on corporations, to whom was referred Senate bill No. 5, "a bill to amend the 32d section of an act to provide for the valuation and assessment of real estate and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real and personal property, treasurers and auditors of State, approved June 21, 1852," have considered the same and directed me to report back said bill and recommend its passage.

The report was concurred in and the bill read a third time:

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shields, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—SS.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Robinson moved to suspend the order of business and take up Senate bill No. 15, and the amendments thereto ;

Which was agreed to.

Senate bill No. 15. A bill to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel, and macadamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.

Mr. Robinson moved to consider the amendment as engrossed and read the bill a third time now ;

Which was agreed to.

The bill was then read a third time.

The question being shall the bill pass ?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Collier, Davis, Dobbins, Dougherty, Durham, Devol, Early, Firestone, Fordyce, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, Mc-

Lair, Major, Mansfield, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wilman, Wood and Mr. Speaker—S2.

Those who voted in the negative were,

Messrs. Baird and Edwards.—2.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Senate bill No. 60. A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855.

Was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Davis, Dobbins, Dougherty, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—S5.

No one voting in the negative.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Dougherty moved to suspend the order of business and take up House bill No. 60;

Which was agreed to.

No. 60. A bill to amend the sixth section of "an act providing for the organization of county boards, and prescribing some of their powers and duties," approved June 17, 1852,

Was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gregory, Gifford, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Jefferis, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellest, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—88.

Those who voted in the negative were,

Messrs. Boyd, Hunter, Johnston, Stiles and Usrey—5.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Smith of Perry, moved to suspend the order of business in order to allow him to introduce the following joint resolution:

By Mr. Smith of Perry,

Joint resolution No. 4. A joint resolution directing the treasurer of State to appropriate all public money in his hands as therein provided, and directing the Governor, Treasurer and Auditor to borrow money of the commissioners of the sinking fund or elsewhere, giving the preference to said fund,

Which was read a first time.

Mr. Branham moved to suspend the rule and read the joint resolution a second time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Wheeler Whetzel, Whiteman and Mr. Speaker—69.

Those who voted in the negative were,

Messrs. Bowman, Carr, Claypool, Clayton, Early, Eastham, Hancock, Jordan, Keefer, Kelly, Lewis, Murray, Newton, Snyder, Sullivan, Turpie, Usrey, Waterman and Wood—19.

So the rule was suspended and the joint resolution read a second time.

Mr. Knowlton moved to amend as follows:

Strike out "25th January" and insert "31st March."

Mr. Parrett moved to lay the amendment on the table;
Which was agreed to.

Mr. Parrett moved that the rule be suspended and the joint resolution be considered as engrossed and read a third time now,

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Claypool, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Durham, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Kempf, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanley, Stanfield, Stiles, Stinson, Tebbs, Thompson of Elkhart, Thompson of Madison, Whetzel, Whiteman, Wilman and Mr. Speaker—70.

H. J.—19.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Clayton, Clements, Early, Eastham, Hancock, Jordan, Keefer, Kelly, Knowlton Lewis, Murray, Newton, Shull, Sullivan, Summers, Turpie, Usrey, Waterman, Wheeler and Wood—23.

So the rule was suspended and the joint resolution read a third time.

The question being shall the joint resolution pass?

Mr. Stiles moved the previous question,
Which was seconded by the House.

The question then being, shall the main question be now put?
It was so ordered by consent.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Johnston, Kempf, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Power, Prosser, Robinson, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stanfield, Stiles, Stinson, Thompson of Elkhart, Treadway, Whetzel, Wildman and Mr. Speaker—62.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Durham, Early, Eastham, Griffin, Hancock, Hartley, Jones, Jordan, Keefer, Kelly, Kempf, Lewis, Murray, Newton, Ritter, Row, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—35.

So the joint resolution passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER :

I am directed by the Senate to present to the House of Representatives, for the signature of its Speaker, the following enrolled bill of the Senate, viz:

Senate bill No. 59. "An act to amend section third of an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots, prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their license," approved June 15, 1852.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bill :

Senate bill No. 20. "An act to provide for the incorporation of associations heretofore formed for building towns within this State, and for the transfer to such corporations of real estate, the titles to which have been taken in the names of trustees."

Mr. Parks, from the committee on education, obtained leave and made the following report:

MR. SPEAKER :

The committee on education, to whom was referred a resolution of the House, requesting said committee to ascertain what amount has been paid to each county in the State, as its distributive share of the common school fund for the year 1858, and whether each county has received the full amount to which it is entitled of said fund for said year, have had the same under consideration, and have instructed me to report that the foregoing amounts which is set opposite to each county, are the true distributive share of the school fund of the respective counties for the year 1858, as is shown by the record of the Superintendent of the Public Instruction, which is all fully paid, as is shown by the records of the State Treasurer.

Counties and Distributive Share received by each.

1	Adams	\$2,449
2	Allen	6,856
3	Bartholomew	4,528
4	Benton	584
5	Blackford	1,120
6	Boone	4,110
7	Brown	1,779
8	Carroll	3,312
9	Cass	3,787
10	Clark	4,687
11	Clay, (distributed by basis of 1857)	4,830
12	Clinton	3,765
13	Crawford	2,184
14	Daviess	3,114
15	Dearborn	5,943
16	Decatur	4,584
17	DeKalb	3,595
18	Delaware	3,994
19	Dubois, (including \$24 last year's distribution)	2,597
20	Elkhart	5,034
21	Fayette	2,497
22	Floyd	4,669
23	Fountain	3,714
24	Franklin	4,931
25	Fulton	2,428
26	Gibson	3,312
27	Grant	4,086
28	Greene	4,129
29	Hamilton	4,369
30	Hancock	3,480
31	Harrison	4,807
32	Hendricks	4,143
33	Henry	5,216
34	Howard	2,692
35	Huntington	3,462
36	Jackson	3,850
37	Jasper	1,649
38	Jay	3,114
39	Jefferson	6,515
40	Jennings	3,707
41	Johnson	3,473
42	Knox	3,430
43	Kosciusko	4,425
44	Lagrange, (including \$58 error last year,)	2,830
45	Lake	1,903
46	Laporte, (including \$6 81 error last year,)	5,529
47	Lawrence	3,277

48	Madison	\$2,284
49	Marion	7,863
50	Marshall	2,982
51	Martin	2,081
52	Miami	4,065
53	Morgan	3,953
54	Monroe	3,371
55	Montgomery	4,991
56	Noble	3,572
57	Ohio	1,475
58	Orange	3,094
59	Owen	3,669
60	Parke	4,039
61	Perry	2,702
62	Pike	2,398
63	Porter	2,131
64	Posey	4,002
65	Pulaski	1,412
66	Putnam	4,960
67	Randolph	4,626
68	Ripley	4,879
69	Rush	3,709
70	Scott	1,854
71	Shelby	4,873
72	Spencer	3,445
73	Starke	492
74	St. Joseph	4,141
75	Steuben	2,478
76	Sullivan	3,415
77	Switzerland	3,447
78	Tippecanoe	5,220
79	Tipton	1,824
80	Union	1,778
81	Vanderburgh	4,732
82	Vermillion	1,259
83	Vigo	4,575
84	Wabash	4,212
85	Warren	2,418
86	Warrick	3,794
87	Washington	4,574
88	Wayne	6,898
89	Wells	2,782
90	White	1,740
91	Whitley	2,573
Total		\$323,155

And they ask to be discharged from further consideration of the subject.

Mr. Robinson, from the committee on the sinking fund, obtained leave and made the following report :

MR. SPEAKER:

The committee on the sinking fund, to whom was referred House bill No. 41, "an act to punish the giving of false certificates, and the making of false and fraudulent appraisement in certain cases therein named," have had the same under consideration, and have directed me to report the same back to the House with the following amendments, and when so amended recommend its passage :

Amend by adding the following section :

Section 4. If any officer who is charged by law with the duty of loaning any of the funds named in the first section of this act, shall knowingly make any loan to any person who has not first procured from the proper officer the certificate required by law, he shall on conviction thereof, be fined in any sum not exceeding one thousand dollars, and be imprisoned in the county prison for any period not exceeding one year.

Amend title by inserting after the word "appraisement" the words "and making loans without the proper certificate."

The amendment was agreed to and the bill ordered to be engrossed.

On motion by Mr. Hunter,

Resolved, That the committee on the affairs of the State prison be empowered to continue their investigations in vacation, and report the result of their labors at as early a period as practicable during the next regular session of this Legislature.

Mr. Robinson offered the following resolution, viz :

Resolved, That a committee of three be appointed to draft a temperance bill embracing the principle of license, and also a committee of three to draft a bill embracing the views of the opponents of a license law, and that copies of said bills be printed for the use of the members of this House, which shall be in lieu of all printing of temperance bills heretofore ordered, the order to print said bills being hereby reconsidered.

Mr. Blythe moved to lay the resolution on the table ;
Which was agreed to.

On motion by Mr. Durham,

At fifty-five minutes past eleven o'clock, A. M., the House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

House met.

Mr. Lewis asked and obtained leave of absence for Mr. Kempf until the close of the session.

Mr. Mansfield moved to suspend the order of business and take up House bill No. 101;

Which was agreed to.

No. 101. A bill to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt.

Was read a second time.

Mr. Harney moved to consider the bill as engrossed and suspend the rule and read a third time now:

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jeffers, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Ryerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebb, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, U-rey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood, and Mr. Speaker—93.

No person voting in the negative.

So the rule was suspended and the bill ordered to be considered as engrossed, and read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—95.

No person voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Mr. Hunter moved to suspend the order of business and take up Senate bill No. 86, and accompanying message ;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof, viz :

Senate bill No. 86. A bill to enable the holders of unauthorized paper currency to collect the amount thereof from any person, company, or corporation, heretofore or hereafter, issuing, or aiding in the issue or circulation thereof.

In which the concurrence of the House is respectfully requested.

Senate bill No. 86, referred to in the foregoing message, was read a first time,

Mr. Davis asked and obtained leave of absence for Mr. Summers, from and after to-morrow morning.

Mr. Hunter moved to suspend the rule and read Senate bill No. 86 a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keifer, Kempf, Knowlton, Lawhead, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Ryner, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie Waterman, Wheeler, Whetzel, Whiteman, Wood and Mr. Speaker—94.

No person voting in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Blythe moved to amend as follows :

Amend sec. 4 by adding thereto the following :

Provided, however, that if any bill, note, or promise to pay, as described in this act, shall be lost or destroyed, or shall be in the possession of the person, company, or corporation who issued the same, or any officer or agent, or member of such company or corporation, such person, company, or corporation, not having redeemed the same, the same may be sued upon as a lost instrument, and it shall not be necessary to produce upon trial such bill, note, or promise to pay,

Which was agreed to.

Mr. Hunter moved that the amendment be considered as engrossed, and the bill read a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford,

Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keifer, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Martin, Nebeker of Vermillion, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker.—89.

Those who voted in the negative were,

Messrs. Baird, Claypool, Hall of Grant, Hartley, and Nebeker of Warren—5.

So the amendment was considered as engrossed, and the bill ordered to be read a third time now,

So the bill was read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—96.

Mr. Hall of Grant voting in the negative.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to present to the House of Representatives, for the signature of the Speaker, the following enrolled bill of the Senate:

Senate bill No. 5. A bill to amend the 32d section of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.

The Speaker signed the bill.

Mr. Newton, from the select committee on printing, obtained leave and made the following report:

MR. SPEAKER:

The special committee raised by the House, in accordance with the resolution of the gentleman of Hendricks, (Mr. Ritter,) to investigate the accounts of the public printer, after giving the subject matter of the resolution much consideration, submit the following as their report:

Upon examining the laws of Indiana bearing upon the office and duties of public printer, they proceeded to inquire and note what, if any abuses had resulted to the State. It was first ascertained that but one statute existed prescribing the duties, compensation, term of office, &c., of this officer. This statute will be found in the revised edition of 1843, chapter 6, article 6, and the title of which reads as follows: "of the public printing, and the distribution of laws and journals." The first section of this statute reads as follows: "There shall be elected triennially (once in every three years.) counting from the month of January, 1841, by the General Assembly, on joint ballot, a State printer, who shall serve for three years, from and after the first day of August next, after his election, and such printer shall, within twenty days after his said election, enter into bond with sufficient surety to the satisfaction of the Secretary and Treasurer of State and auditor of public accounts, with condition for the prompt, accurate and workmanlike execution of the public printing, and the faithful performance of all the duties required of him by law."

This statute also fixes the compensation to be received by said public printer, as follows:

"The prices to be paid to such public printer are hercin established as follows: For composition per thousand ems, plain matter, 45 cents; figure work per thousand ems, 65 cents; rule

and figure work per thousand ems, 80 cents; press work per token, common forms, 45 cents; broadsides per token, 60 cents; folding reports and bills, per thousand copies, on each signature (distinct tables to be counted as signatures,) 12½ cents; stitching reports and bills, per one hundred copies, 20 cents."

The committee have not been able to ascertain wherein these prices have been at any time exceeded by the public printer. But they would also have it borne in mind that at the time the above prices were fixed by law, the facilities for executing different kinds of printing were not near so great as at the present time, and hence, the public printer, at this day, can make a more satisfactory profit upon State work than upon any other kind. During the first administrations of this office the press work of the State had all to be done upon hand presses, for steam presses had not yet been introduced into the State; a form then consisted of 8 pages, for a hand press would not accommodate a larger number, now 16 pages can be worked at one impression easier and faster, and your committee would add better, than 8 pages under the old administration. With the doubling of the forms or number of pages, however, comes a corresponding increase of price per token. A token consists of 240 sheets, book work, or 240 impressions, and your committee cannot see why the public printer should, as he is now doing, charge the State for printing 480 sheets when in reality he only prints 240 sheets, or two forms of 8 pages each. Your committee will not at this time question the legal right of the public printer to so estimate his accounts of work, but they submit if it is not an abuse of the statute, which attempted to prevent any exorbitant charge as against the State, and compelled the public printer to enter into sufficient surety for the faithful performance of his duty in a prompt, accurate and workmanlike manner.

The committee have been greatly retarded in their labors of investigation, from the fact that sufficient information was not to be obtained from the Secretary and Auditor of State. It was supposed that the books of these officers would not only exhibit a full statement of the public printer's accounts against and in connection with the State, but that they would show the character of the work done and the itemized accounts thereof, together with the amount of material furnished by the State to such public printer. The statute makes it the imperative duty of the Secretary of State to "measure, estimate and certify under his hand and the seal of his office the amount and kind of work done, together with the cost." That this provision of the statute has been violated by the Secretary of State, we prove by the following accounts, audited and paid:

State of Indiana,

To Delzel & Tyler,

1854, Sundry bills of binding..... \$74 00

Dr.

State of Indiana,

To Austin H. Brown,

Dr.

Dec. 7, 1854, 28 reams of paper furnished by Rhinehart,

Bowen & Co., for use of State \$145 60

State of Indiana,

To Rhinehart, Bowen & Co.,

Dr.

7,900 pounds of paper, 10⁴/₁₀ cents \$1,021 60

And many other warrants of a similar character amounting in the aggregate to thousands of dollars, which bear no evidence of having ever been in the hands of the Secretary of State.

The question here arises, is it necessary, in order to comply with the provisions of the statute, that the Secretary of State should know how much paper is received by the public printer?

This officer certifies in all cases to the account of the public printer. Could, then, the public printer receive paper from the manufacturer or merchant, appropriate it to his own personal uses and yet charge the State with the amount? Your committee answer yes! There are no vouchers in the auditor's office showing that the Secretary of State has certified to an account of paper and printing separately.

The usual form of account and endorsement is as follows:

"State of Indiana,

To public printer,

Dr.

For printing _____ copies of _____

I certify the above account to be correct.

_____,
Secretary of State."

Here it will be seen that the account of the public printer has been certified to as being correct, when in reality, but half that account has been presented to the Secretary of State. The other half, the account for paper and binding, is certified to by the public printer, upon which certificate the auditor draws a warrant upon the treasurer, and it is paid without the knowledge, approval or certificate of the only officer having, under the statute, the entire supervision of this matter of public printing.

The statute makes it the duty of the Secretary of State to "superintend all the printing done for the State, and see that the same is well executed." Your committee then must construe the statute as meaning that the account for paper, furnished the public printer, is one of the particular items placed under his supervision. This being the proper construction, should not the Secretary of State's books show, not only the quality, but the amount of paper furnished to and used by the public printer?

Here your committee would quote from the testimony adduced

before the committee touching upon this point. Thomas Story, Deputy Secretary of State since the 7th of February, 1857, says, "The secretary's books will not show the amount of paper furnished the State Printer, nor for what purpose." If, then, this desired information cannot be obtained from the officer, presumed by the statute to be in possession of it, where shall it be obtained? Your committee answer, no where, except the bills have been presented, audited, and warrants issued therefor.

Let the following bill explain the general mode of doing business in this matter of furnishing paper, and then inquire if it be a satisfactory one:

State of Indiana,

To Rhinehart, Bowen & Co.

Dr.

Nov. 18, 1854, For 56 reams of State paper 25 by 38,	
weight (50 pounds to the ream) 2,800 pounds, at 10 ⁴ / ₁₀	
cents per pound	\$291 20

Pay above to A. H. Brown & Co.

signed by

Rhinehart, Bowen & Co.

Certified to by Austin H. Brown.

Your committee venture the opinion that this is the first instance known of a man certifying to his account as against a State and a warrant being issued for the amount of such certified account, without any other evidence whatever of its correctness.

Your committee desires not to be understood as questioning the fact that the account above audited was not correct, but is it customary, nay, is it legal for a man to make out an account for services rendered the State, or materials furnished the same, with so little evidence of its being a just claim? Should the Auditor of State have issued a warrant upon such an indefinite a statement of indebtedness upon the part of the State? The committee does not question the correctness of this account of \$291 20 because they can find no evidence upon which to base an investigation. It has been customary for the State Printer to receive paper from the merchant without the intervening supervision of the Secretary of State, and hence this one account quoted is but a specimen of many others now on file in the auditor's office going to prove the negligence of the Secretary of State, but not the criminality of the public printer.

The next point your committee would call attention to, is that of expenditures, or the cost of the public printing since the 4th day of August, 1854. Now it is known that under the head of public printing, are three separate and distinct accounts for work done. First, for composition and press work. Second, for binding, folding and stitching; and third, for paper furnished.

In order to arrive at the exact amount, your committee had to

examine the bills presented the Auditor of State, and separate the different items. This proved to be a very laborious task. The auditor's ledger shows the gross amount of these bills for paper, printing and binding, but not the single amount.

These accounts separated make the following amounts: For printing, \$51,0-9 49; for paper, \$16,984 80; for binding, folding and stitching, \$18,335 29; making the sum total of \$86,409 58, divided as follows:

For the quarter ending October 31, 1854.....	\$782 56
For the quarter ending January 31, 1855.....	16,501 30
For the quarter ending April 30, 1855.....	7,096 04
For the quarter ending July 31, 1855	6,952 66
For the quarter ending October 31, 1855.....	1,534 77
For the quarter ending January 31, 1856.....	422 72
For the quarter ending April 30, 1856.....	355 50
For the quarter ending July 31, 1856.....	6,939 24
For the quarter ending October 31, 1856.....	5,012 45
For the quarter ending January 31, 1857.....	3,530 50
For the quarter ending April 30, 1857..	5,781 14
For the quarter ending July 31, 1857.....	6,343 44
For the quarter ending October 31, 1857.....	2,753 43
For the quarter ending January 31, 1858.....	9,883 29
For the quarter ending April 30, 1858....	2,991 18
For the quarter ending July 31, 1858.....	4,143 27
For the quarter ending October 31, 1858.....	4,386 09
Whole amount.....	<hr/> \$86,409 58
Total for 1854, (one quarter).....	\$782 56
Total for 1855	32,084 77
Total for 1856	12,729 91
Total for 1857	18,408 51
Total for 1858	21,403 83
	<hr/> \$86,409 58

To this amount is to be added the sum of \$19,621 66, for stationary furnished the State, and which was not under the head of public printing, but under that of fuel and stationery. This, then, will swell the amount to the sum of \$106,031 24, for the period of four years and some weeks.

It will be observed that the amount of expenditures on behalf of the public printing, as quoted above, does not include the months of November and December, 1858, according to the arrangement of the fiscal year, the bill made by the public printer for these months passes over and are added as part of the expenses for 1859.

The committee have proceeded to investigate some of these ac-

counts, which will be passed over, under the resolution of the House, giving them life as a committee, they believe they have the power to make such investigations. The first thing observable in these bills is an account of the public printer for reprinting 3,000 copies of the journals for 1851, 1852, 1853 and 1855.

In the year 1853 the General Assembly passed an act instructing the Superintendent of Public Instruction, in addition to other duties, to supply each common school library in the State, with a copy of the Revised Statutes of 1852, the Legislative Journals for the sessions of 1851-2, and the Reports of the State Board of Education, and of Agriculture, for the year 1852; and he shall hereafter forward to each common school library the Documentary Journals and Acts of each session of the Legislature, and also the annual Reports of the State Board of Agriculture, and the State Board of Education. The office of Superintendent of Public Instruction was created in 1850, and is a constitutional office. The first person elected to this office was Mr. Wm. C. Larrabee, who took his seat in November, 1852, and served as such Superintendent until November, 1854, when he was succeeded by Professor Caleb Mills. From the question made above it will be seen that the Superintendent was instructed, not requested, for the language is imperative.

"It shall be the duty, &c.," to distribute to each common school library in the State, the Revised Statutes of 1852, the Legislative, Documentary Journals, and the reports of the State Board of Education, and Agriculture. This being the law then, and the committee having understood that it had not been complied with, process was served upon Prof. Larrabee to learn why he had not thus fulfilled the statute. His answer before the committee was that he "had overlooked the provisions of the law," giving him such imperative instructions, and in explanation he stated that the labors devolving upon him of organizing the common school system were so great that he had no time to devote to this matter. He also testified that he distributed no documents during his incumbency in office. When it is known that this act was published in the Indiana State Sentinel and Journal, March 17, 1853, a copy of each publication being on file in the Superintendent's office, or at least being in that office for a time, it is a mystery to the committee how it could be overlooked. The Secretary of State for that year made the usual distribution of public documents in pursuance to the statute of 1853.

In November, 1854, Prof. Caleb Mills succeeded Prof. Larrabee in the office of Superintendent of Public Instruction. His attention was called to the section of the act passed in 1853, but there not being a sufficient number of the prescribed publications on hand to supply each common school library in the State with a copy, he refused to have them reprinted to that end.

Again, in 1856 Prof. Larrabee became Superintendent of Public Instruction, within one year past Prof. Larrabee testifies that his

attention was called to this section of the law, authorizing the distribution of legislative and documentary journals. Not being satisfied that he possessed the power to order a reprint of these publications, (there not being a sufficient number on hand to meet the requirements of the act,) he submits the question to Mr. Attorney General McDonald, who decides that the act of reprinting would be legal.

It will also be understood by reading the testimony that Mr. McDonald's opinion was simply verbal; and furthermore, that Prof. Larrabee only ordered the Documentary Journal to be reprinted.

The statutes of 1852 have never yet been distributed. Now your committee would make the point thus—If Prof. Larrabee failed to discharge his duty as Superintendent of Public Instruction, during his first term, and if his successor in office decided against assuming the responsibility of Prof. Larrabee's neglect, is it competent for him (Prof. L) to carry out such provisions of the act of 1853, as were practically inoperative during these two terms? If it would be in compliance with the spirit and intent of the act of 1853, your committee would say that Prof. Larrabee did right in ordering a reprint of these Documentary Journals, and that the opinion of Attorney General McDonald was in accordance with the same, but your committee cannot give this construction. The law evidently contemplated the distribution of all excess of documents for the benefit of the people of the State, and that there should not be an accumulation of useless trash in the State Library Rooms. The committee, in using the term trash, would not wish to be understood as meaning that the contents of these various documents are of no interest whatever, but that an accumulation of hundreds of volumes of the same publication, upon the shelves of the State Library becomes rubbish of the worst character, books of no manner of account to any one. This is satisfactorily proven by the shelves of the State Library at this present time. Of what use are the revised statutes of 1843, the annual catalogue of the State University and numberless other publications laying around, and littering up the State House? It is right and proper that a copy of each volume printed for the State should find its way to the different counties, clerks offices, or even to the different common school libraries in the State. But then in the event that one clerk or common school library in the State fails to receive such publication, would it be in accordance with the spirit of the act authorizing such distribution, to saddle upon the State a cost of thousands of dollars for reprinting, in order that this single omission may be rectified? That it is a wrong practiced upon the State, your committee verily believe, and in the absence of any legal mode of redress, enter their unqualified condemnation, not only of the conduct of Prof. Larrabee in giving orders for the reprinting of these Documentary Journals, but of Mr. Attorney

General McDonald, for giving an opinion so contrary to the plain intent and meaning of the act.

Your committee, in searching after abuses in the public printing, have been seriously retarded, from the fact that the laws of the State are insufficient to protect its interests. It is open to imposition from many sources.

Should the State Printer be ever so honest, yet, if unacquainted with the strict construction of the laws, and they are too indefinite and vague to be understood other than by a strict construction, he may be instrumental in contracting against the State large sums which should never be audited nor paid out of the State Treasury.

Particularly the committee would allude to the orders given the State Printer by the State Board of Agriculture, and also by the Clerk of the Supreme Court. Your committee are unable to find the statute authorizing the State Treasurer to satisfy the claims of either of these officers.

It is wrong, very wrong, and demands a remedy.

In conclusion, your committee would call attention to the evidence before them. Certain reports were in circulation to the effect that the State Printer had at various times used paper belonging to the State, for his own private purposes.

The first of these reports the committee find, from the testimony, originated in 1854. They think the fact is established beyond a doubt, that the "Daily Sentinel" and the "Democratic Platform," newspapers printed and published in the office then engaged in doing the State printing, were, upon more than one occasion, printed upon State paper. This occurred during the administration of Mr. Austin H. Brown.

It will also be seen that other public printers used paper belonging to the State, for purposes other than that for which the paper was furnished. Mr. Bingham's administration comes in for a part this culpability. As to the extent of the wrong or culpability, in using this paper, we leave the testimony to decide.

But in this report your committee will not attempt to enumerate the many abuses practiced upon the State by the persons who have been connected with and had charge of the public printing. That these abuses have been customary for several administrations, your committee verily believe. And in this investigation which they have undertaken and partially completed, it has been the aim to bring to light everything, to show no partiality, to conceal no speculation, nor to favor any one public printer. The evidence submitted with this report will bear the committee out in this assertion. They have conducted the examination not only through the period of four years, but have gone back into other administrations, and inquired what was the custom with such public printers.

In the evidence will be found statements made by employees of various public printers, to the effect that it was ruleable, nay, a matter of right, for the public printer to appropriate a part of each

ream of paper furnished him by the State, to his own private uses. Some of these public printers appropriated two quires to the bundle, and some four quires. Although this is but a small consideration when reckoned from one or two bundles of paper, but when reckoned from the many bundles of paper furnished by the State to the public printer, it reaches an amount startling in its character.

This per cent. alone, since the 4th of August 1854, exceeds the sum of fifteen hundred dollars: now your committee submit, if, without a shadow of right, the public printer can appropriate the material furnished him by the State upon which to execute her own work, to his private uses, as this testimony will fully establish, does it not call loudly for reform?

Again, your committee cannot refrain from calling attention to the style of imposing lately introduced into the publications for the State. Here we find in the Auditor's Report for 1858, the Bank Statement extended from folio 45 to 62—seventeen pages, when the same could have been as easily compressed into nine pages, and presented a typographical neatness and compactness in keeping with the tabular work heretofore executed for the State. This one case is not all, but to enumerate would not be at all necessary.

The committee recommend the passage of an act embracing among others the following features:

First.—A repeal of the statute of 1843, fixing the compensation of public printer.

Second.—The establishing of prices for binding, in addition to those of composition and press-work, folding and stitching.

Third. That the Public Printer shall furnish his own paper, and that the same shall in all cases, be of a given weight and according to samples furnished.

Fourth. Requiring the public printer to keep an exact account of each item of work done for the State, together with the number of reams of paper used by him in doing work for the State.

All of which is respectfully submitted.

Testimony given before special committee on investigating the State Printer's accounts.

On Thursday evening, December the 9th, the chairman, L. Ritter, W. H. Gregory, Miller and Newton, were present, Mr. Jones absent.

Appeared as witnesses A. H. Brown, W. C. Larrabee and Wm. S. Cameron, who were sworn by Geo. H. Chapman, Notary Public.

PROFESSOR LARRABEE.

Question by Mr. Miller.—Were you Superintendent of Public Instruction in 1852 and 1853?

Answer.—Yes sir.

Q.—We wish to know why the Legislative and Documentary Journals of 1851, 1852, 1853 and 1855 were not printed for distribution among the various townships and school districts?

A.—The reason why they were not printed was because my attention was entirely directed to the organization of common schools. I laid the matter before the Attorney General, and he said it was my duty. It was last winter when he told me that the labors devolved upon me by the law of 1853 was ten times what it is now, and owing to that circumstance, I necessarily overlooked the section of the law authorizing the distribution of such documents.

Q.—Did you ever distribute any documents for 1853?

A.—No sir, unless I except those I purchased for the county library.

Q.—Did you distribute the statutes in 1853?

A.—No sir, I did not.

Q.—Your attention was not directed to this section of the law until within a year past?

A.—No, and it was only when looking over the laws that I covered the section.

Q.—You say you asked the Attorney General for his opinion?

A.—Yes.

Q.—Did he give his opinion in writing?

A.—No sir, his opinion was verbal.

Q.—Do you know whether this law has been declared unconstitutional by the Supreme Court?

A.—There was nothing in that Court's decisions upon this subject.

Q.—Now much did these reprints cost?

A.—I don't know, I examined the bills but do not recollect the amounts, one thousand of the Documentary Journals were printed, don't know whether the Journal was for two or three years.

Q.—Were you ever engaged in State printing?

A.—No never. When I was in the Sentinel Mr. Austin Brown was State Printer.

Q.—Did you distribute any documents during your first term?

A.—No.

Q.—Since your second term have you distributed any?

A.—At present I am carrying out the law embracing the various Journals and Agricultural Reports.

Q.—Who first directed your attention to this subject of printing?

A.—My attention was first directed to it by reading the law, and having no recollection of ever distributing such documents.

Q.—Did you ever have any conversation with the printer (Mr. Bingham)?

A.—My impression is that he never mentioned it to me.

Q.—Do we understand you that you never ordered anything but the Documentary Journals to be printed?

Q.—No, I ordered nothing else; these have been printed and are now in my room.

Q.—Was there anything in Bingham's bill but for reprinting Documentary Journals?

A.—If there was it escaped my attention.

Q.—Did you ever examine the printer's account?

A.—No, sir.

Q.—How then could you certify their correctness?

A.—I certified to the correctness as I understood it. There were three Documentary Journals never distributed, embracing and including the years 1851, 1852 and 1855, and about 1000 copies of each were printed.

MR. A. H. BROWN.

Q.—What is the general or required weight of paper used in printing State works?

A.—I do not know. There is a law letting the furnishing of paper out which probably fixes the weight at fifty pounds to the ream.

Q.—Here is a voucher of Rhinehart, Bowen & Co., for 3,600 pounds of paper certified to by yourself. Did you certify to 3,600 pounds or 36 reams?

A.—To the number of reams. We always took the paper maker's measurement. Paper contracts commence at the beginning of the fiscal year. I cannot say that this volume (the acts of 1855 shown witness by Mr. Ritter) is printed in 50 pound paper; think it is light.

Q.—At what time were you elected State Printer?

A.—During the session of 1852 and 1853. I took charge of the printing on the first day of August, 1853, and continued as such State Printer until October, 1855; then I resigned the office, and my father was appointed by Governor Wright in my place. When I made out bills for work done the State, I presented the bill to the Secretary of State, with a copy of the job done which I left with him, sometimes several days, that he might have time to examine the account and certify to its correctness.

Q.—Would you, in printing books, reports of State officers, &c., make two pages, when the same amount of matter could have been conveniently put upon one?

A.—To be candid with you, I endeavored to make it count as much as possible. My father resigned the office in 1856 to take effect in February. I do not know or recollect of State paper ever being used for other than State purposes; if so, it was without my knowledge. I generally received the paper in amount as the estimates were made of what was needed. When the Legislature ordered so many copies of a bill to be printed, we always had that quality of paper on hand for other purposes, printed the bill and charged for the amount used, keeping a separate account of it.

Q.—Did you ever during your term certify to the correctness of accounts under oath?

A.—No, after I done a job I would count up each item, make a bill of it, and hand it to the Secretary of State, which account would be filed. I always itemized my accounts. The Documentary Journals is about all I know of abuses in the State printing. Neither Mr. Bingham nor Mr. Doughty have been on speaking terms with me until lately for over a year. I know nothing how these journals became to be printed. I asked Mr. Larrabee why at so late a day he had ordered them to be printed. He said he had been importuned by Mr. Bingham to that effect, but never gave consent until the Attorney General gave a verbal opinion that it was right. The conversation between Professor Larrabee and myself occurred about six weeks ago in the Treasurer of State's office. My opinion is, that there was no collusion between Larrabee and Bingham in this matter of reprinting.

Q.—Was it customary to print in the secretary's report a list of county officers?

A.—No it was not.

Q.—Do you know how many were generally printed?

A.—I don't, but in this last instance, the secretary's report was given out gratuitously to every one that came into the office. I don't think that I ever certified to a bill without knowing it was correct. Rhinehart, Bowen & Co., always filled their bills correctly. I could tell the difference between State paper and what we generally used for job and news work. After December, 1854, I done no State work. I let it out to Doughty & Swain, who done the composition and Cameron & McNeely the press work.

WILLIAM S. CAMERON.

Q.—Do you know of any downright stealing in State printing?

A.—I know of nothing personally, unless I except the outside quires termed cassa paper, which was rulable to use for fly leaves in binding, proofs and waste. To use these quires was customary and was practiced through Mr. Defree's term.

Q.—How long have you been connected with State printing?

A.—Since 1847. I did over half the press-work of the Revised Statutes of 1852. I had charge of the press-work. Mr. Defrees caused the foreman of the press room and of the composition room to keep correct accounts of the amount of work done, and at the expiration of the winter's work they appeared before Esquire Sullivan, and testified to their correctness. They went twice that I know of, the year before the expiration and the year we, Cameron & McNeely, done the press-work for Doughty & Swain. Do not know how William J. Brown came to be appointed State Printer. I learned, perhaps through Doughty & Swain, that Austin H. Brown resigned, that his father was to be appointed. I could tell State paper from ordinary paper used in printing. I have seen paper that I took to be State paper worked on other publications

than State work, enumerating the Daily Sentinel within the last three years and the "Democratic Platform;" will not say that the Platform was printed on State paper, every issue. It was printed in the same office and on the same material of the Sentinel.

Q.—Who were State Printers at the time?

A.—The State printing was done at the Sentinel office, until December 1854, when it was let to Doughty & Swain and brought to our office. I can't say positively how many issues of the "Democratic Platform" were printed on State paper; perhaps two issues. Austin H. Brown was State Printer until December, 1854. I think I have seen both the Platform and Sentinel printed on State paper. The Sentinel was printed on State paper once or twice that I am positive. Don't think the Daily Sentinel was usually printed on State paper, only perhaps when they failed in getting paper from the mills.

Q.—Would not the outside quires have made a sufficient amount of State paper for these issues you speak of?

A.—No sir. I was told by a pressman that the edition of the Platform was from fifteen to seventeen thousand weekly. I can say that the whole edition was on State paper. I cannot answer with certainty when last I saw the Sentinel printed on State paper, my impression is that I have noticed some within the last two years. Do not recollect of any other printer ever using State paper for other than State work.

MONDAY EVENING, December 13, 1858.

Mr. Ritter, Chairman of the Committee, present, proceeded to take testimony from Messrs. Tyler, Elder, Rattie and Strickland.

MR. TYLER—BOOKBINDER.

Q.—Did you ever do any public printing?

A.—No sir.

Q.—Did you ever do any binding for the State?

A.—Yes sir, I have been binding State work more or less since 1842. When I done binding it was for the State printer.

Q.—Did you ever bind any Agricultural Reports or Documentary Journals?

A.—Yes sir, but have not bound any Documentary Journals for this year, I have been doing some pamphlet work this year. Douglas & Palmer bound the last Documentary Journals that were issued. We bound 1,000 Documentary Journals for Bingham & Doughty, and think it was the Journal of 1856. We charge the printer 35 or 40 per cent. less than 12½ cents per signature of eight pages, the compensation he receives. The kind of work I allude to is pamphlets, reports, &c. Do not know what is the price for binding Documentary Journals. I have only got this

price per cent. from Bingham & Doughty, no other State Printer ever allowed it to us. We always make out our bill for work done for the full amount, upon which we drew the money, and then paid Mr. Bingham the bonus of 35 or 40 per cent which he allowed us. Don't think I could distinguish State paper from other paper, unless I would compare the two kinds. I never saw any other than State work on State paper. We presented bills to Secretary of State, and think that he examined them to see if they were correct. When a job of printing was sent to us to be bound we never counted the number of sheets, but relied upon the printer's statement. We paid our hands according to the printer's accounts. I do not know how the paper is furnished to the State Printer, how he uses it, how he keeps his books, nor in fact anything about this matter.

MR. STRICKLAND—PAPER MAKER.

I am a paper maker and have been making paper in Mr. Sheets' mill about fifteen years. Have been making State paper during this time. Generally make the same quality of paper, and it weighs as near 50 pounds to the ream as possible. The printers are often sent directly to the mill, and sometimes orders came from the Secretary of the State. I can tell State paper from other kinds. I have seen bills posted up around town that I thought were State paper. It was but a short time ago I picked up a bill, the Panorama of Italy, which I think was printed on State paper. We do not supply Messrs. Bingham & Doughty with paper for ordinary work, such as issuing Sentinel, job, &c. I can certainly tell the paper we make when it is shown to me. I cannot say that I ever saw the Sentinel or Democrat Platform printed upon State paper. I do not take these papers nor read them, and of course would not be apt to know if such was the fact. I generally notice bills posted up, and have seen various ones which I took to have been printed on State paper. Do not recollect of having ever seen a job coming from the Sentinel office that I thought was not printed on State paper.

FRANKLIN RATTI—PRINTER.

I am a pressman, and at present engaged in the office of Cameron & McNeely, where I have been since September 17. I have worked for Messrs. Bingham & Doughty. I commenced with them last April and continued in their employ until about the 14th of September last. I was assistant pressman in the Sentinel office. I done no State printing except pamphlet covers. I done the job work in that office. The foreman of the press room kept an account of the amount of paper used, I think I could readily distinguish between State paper and other paper. All the job work I ever done in the Sentinel was printed on State paper, except when the paper was not large enough. I could enumerate about 1,000 sheets of paper for the Pennsylvania Central Railroad. I

have worked the Daily Sentinel on State paper; probably I have worked the whole edition of 32 or 33 quires as often as three or four times, and occasionally when it lacked two or three quires we have supplied that with State paper. I also worked the Monthly Telegram, an advertising sheet, on State paper two or three times. I know State paper when I see it, and since I left the Sentinel office I do not recollect of ever seeing any work other than State work on State paper. They usually bought paper for the Daily Sentinel. I worked all common jobs on State paper when I was in the office. I never talked with the hands about whether it was customary to use State paper for job work.

JOHN R. ELDER.

I am a printer, and have been carrying on the business in Indianapolis for the last eleven years. First in connection with John Douglass and afterwards with Mr. Harkness.

Q.—Have you ever done any State printing?

A.—We did it for about one month in the winter and spring of 1856, for Mr. Bingham.

Q.—What character of work did you do?

A.—We printed reports, bills and the Reports of the Superintendent of Public Instruction.

Q.—What price did you get?

A.—We received twenty per cent. less than the price paid by the State.

Q.—Who did you make out your bills to?

A.—To Mr. Bingham.

Q.—Did you do the State work in the same style and arrangement that you did other work?

A.—We did, except that the order was to stretch out the matter to as many pages as possible.

Q.—Is that the general rule in doing work for the State?

A.—It is so far as I know; that is the understanding of the manner in which the work is done.

Q.—How much do you suppose matter can be stretched out beyond a fair and reasonable length?

A.—That depends on the kind and length of the report, some can be extended to double it would ordinarily make, some to one-third more, and all kinds of work can be extended more or less.

Q.—So far as you have examined the printing of the State, the reports of the State officers, &c., have the pages been extended to make more?

A.—They have, and particularly the tables; you can see a fair specimen of this in the Auditor's report of 1858.

Q.—Was your order to extend the matter as much as possible when working for the State Printer?

A.—It was.

Q.—Why did you do the State printing for the month specified?

A.—It had been done by Doughty & Swain before, for Mr. Brown, but Mr. Bingham, as I understood, could not make a satisfactory arrangement with Doughty & Swain, and came to our office. Shortly after we undertook the work, Mr. Bingham and Mr. Doughty formed a partnership, and they did their own work.

Q.—Except the above, did you ever do any State printing?

A.—We did not.

Q.—While doing the work for Mr. Bingham, how did you get your paper?

A.—We generally got an order from Mr. Bingham, and sometimes got the paper without an order.

Q.—Did you give a receipt for the paper you got?

A.—We did.

Q.—Have you ever seen any bills printed at the Sentinel office on State paper.

A.—I have seen bills on the street with the State Sentinel im-
prin that I thought were on State paper.

Q.—Can you specify any?

A.—I cannot, but am under the impression that nearly all the posting bills done at the Sentinel office are either on State paper or paper made at the same mills.

Q.—Is there any peculiarity about the State paper by which you could distinguish it from other paper?

A.—There is in the paper made by Mr. Sheets. I cannot describe it but printers generally can tell it from other paper. We have purchased a good deal of paper from Mr. Sheets during the last ten years, and have always had more or less of it on hand in our office.

Q.—Have you ever seen the Daily Sentinel printed on State paper?

A.—I have.

Q.—When?

A.—I could not specify, but at different times for the last four years.

THURSDAY, 9 o'clock, A. M., }
December 16, 1858. }

Committee met.

OSCAR MILES—PRINTER.

I am a preessman, and at present in the employ of the Sentinel Company; have been there off and on for two years past, probably

ten months altogether; when I was there before I was foreman of the press room, but at this time I am only assistant pressman, when I first worked there I had charge of the State work, but now I have not. I always kept an account of the work done. I could distinguish State paper (or what they called State paper) from other kinds. I do not know how the State Printer gets the State paper. I do not know of State paper having been used on other than State work, unless I except the quassi paper, of which we appropriate two quires per ream. This quassi paper we used on jobs; we never used it on pamphlet work from the fact that it was not good enough. As to the weight of State paper, I can say that it hardly ever weighs 70 pounds to the bundle; I don't think it usually exceeds 75 pounds. I weighed one bundle about a year ago and it weighed less than 75 pounds. The quassi paper was used for hand bills, Programmes, &c., I never used any of it for the Sentinel newspaper. We generally used from 40 to 60 reams a week on State work. Do not know anything about the reprinting of the Documentary Journals; I was not there at the time. At present we are printing the Agricultural Reports. I engaged with Mr. Bingham two or three weeks after he was appointed State Printer.

WILLIAM CHAMPION.

I am engineer in the Sentinel office, and have been printing in different places for five or six years. I have been in the Sentinel office about four months, and in two years past have probably worked there ten months altogether. I was in A. H. Brown's employ when he was State Printer; don't recollect exactly the time, but it was some time between 1852 and 1856. I had very little to do with the printing department, and don't know how they kept their accounts, nor do I know what were the instructions to the employers. During the last two years I have been on State printing. I received my instructions from Mr. Appleton. I could distinguish State paper from any other paper when it would be laying in bundles as it came from the mill, but scatter and mix it about I could not say which was which, except by the size.

JAMES APPLETON.

I am at present pressman in the State Sentinel Office, and have been there for nearly two years. I never was with any former State Printer. I am foreman of the press room at this time. When I was first in the Sentinel I worked occasionally on State work. I never had any particular orders in regard to keeping accounts. We had a book in which we kept an account of the number of signatures and tokens thrown off, which was merely a guide for the office clerk to make his calculations by. The book was a statement of my work, and not of the amount with which the State stood charged, because I would work, say two forms at one im-

pression, which would count me but one impression, when the State would be charged with two. The State Printer had a right to charge the State four times the amount I was allowed if the forms were of that description. I could not, as a general thing, distinguish State paper from paper usually kept in the office. I don't know much about the Documentary Journals; there are some bound now which have been done in the last six months, and on which I done the press work. My instructions were always to print 1,600 impressions of the Documentary Journals. I always printed as many as were ordered. I know nothing about the State Printer soliciting the Superintendent of Public Instruction to have the Documentary Journals reprinted. I never worked on State work before I went to the Sentinel office.

Q.—Do you believe that the State Printer (Mr. Bingham) has done the State work according to the general and customary rules of State Printers heretofore?

A.—I believe, as far as my knowledge goes, that he has. I do not know that the Daily Sentinel was ever printed on State paper. I know of no jobs having been printed on other than quassi State paper. I never was told to work in all the State paper I could. Waugh's Italia programmes were printed on State paper.

Q.—Were these programmes printed on outside quassi, or what you term quassi paper?

A.—The State paper hardly ever came in an injured condition, and the outside quires (the quassi paper) were as good as the inside. To every bundle of two reams we took four quires. Don't know that we have ever used more than these four quires. It was a general thing to do job work on this paper.

Q.—Would four quires from each bundle be sufficient to do the job work of the Sentinel office?

A.—Think it would not, we done job work on our Weekly and Daily paper, or colored paper and other kinds.

Q.—Do you know anything about 39 or 40 bundles being taken to the Sentinel office, and every one of the number having been used on State work.

A.—No sir.

JOHN D. DEFREES.

I had a foreman in each office, composing room and press room. I requested them to keep an account of the work done for the State, and from their books I charged up to the State. I received my State paper directly from the contractor. I receipted to him and my receipts, I suppose, were taken to the Secretary of State. During the time I was State Printer a large amount of the paper was furnished by the mills at Lafayette and hauled here in wagons, which sometimes injured the outside quires of each bundle. Such

as was so injured was not used on State work, but all paper that could be worked for the State was so worked, and the damaged paper was handed to the binder to be used as fly-leaves, &c. If any paper belonging to the State was ever used for jobs other than State work it was without my knowledge. From my personal superintendence of the business I do not think there was any so used. I think there was a custom existing among the State Printers to use the outside quires for their own purpose. Bundles contain two reams of paper.

THOMAS STORY.

I have been engaged in the Secretary of State's office since about the 7th of February, 1857. I have done the principal part of the business of the office since that time. The secretary's books will not show the amount of paper furnished the State Printer, nor for what purpose. The printer would order on the secretary, the secretary would countersign the order, or give an order on Sheets & Braden, who have had the paper in storage. All the paper furnished since the present administration came into power was contracted for by the former administration. So far as I know the secretary never examined into the actual amount of work done by the State Printer, but only examined into the correctness of the bills on their face.

JOSEPH J. BINGHAM.

I received my commission about the first of January, 1857. There was no consideration given me, either directly or indirectly, except that I was to continue the printing with Doughty & Swain until February, 1857, one month. I have charged every department of the government with the printing ordered by them, or which properly belonged to them. The work was measured after it was completed. The paper comes to us in bundles, 20 quires to the ream and 24 sheets to the quire. The way I knew that the State was charged correctly for the work done, was that I ordered the pressman to work the required number of impressions, which he did by counting out the necessary number of quires, wetting them down, always putting in enough to cover waste, as was rulable, and necessary to insure the filling of orders. I have known the Daily State Sentinel, or rather I have so understood, to have been printed on State paper once or twice. It has been our custom to take two quassi quires out of each ream, and out of that paper the Sentinel was printed when printed on State paper, to the best of my knowledge. Some job work was also printed on that paper. Mr. Larrabee suggested to me the idea of having the Documentary Journals printed some year ago. I did not commence printing them until I consulted the Attorney General as to the law upon the subject. The matter of reprinting the Documentary Journals was first, I think,

suggested to me by Mr. Doughty. I have received since I have been State Printer proper \$26,423 58. Since I have been printer I have itemized every bill, specifying the kind and amount of work, and by whom ordered. Nearly every account has been presented by myself, and Mr. McClure was always very careful to examine my bills, keeping them several days before certifying to them.

THOMAS WARNER.

Q.—What is your occupation?

A.—I am a printer, at present I am not working anywhere. I have worked with Bingham & Doughty. This was about April, 1856, and about five or six weeks ago. I was in the Sentinel office when the explosion occurred. The first time, I worked about ten weeks, the second time, I worked five days. I was engaged in the press room on job work principally, but sometimes on the newspaper. I can distinguish State paper from that usually worked in the office. I think they have used State paper on theater posters, eight quires every day for a week. This was in November last. They were entitled to two outside quires as quassi paper. When we printed these theater bills we were also doing book-work for the State. I also knew of their using State paper on the Daily Sentinel for three or four days in 1856. They were out of paper at the time, and I heard Mr. Miles, the pressman, say they guessed they would replace the State paper then being used on the Daily. Do not know of State paper being used in any other cases, except on State work. The State paper was kept in a separate place and the foreman of the press room told me it was State paper. When I went after the paper to work the theater posters on I cut open a bundle and took the first eight quires I came to. Nothing was said about replacing it. I am on good terms with the State Printer and the Sentinel men. Have worked with Chapman & Spann and Austin Brown. It was about eight years ago when I was with Chapman. It was customary then to use quassi quires. It was generally customary for all State Printers to string out the matter as much as possible, and Doughty & Swain would make an eight page form out of four pages of matter. I have seen an eight page form with only two pages of printing matter in it, and a sixteen page form with only five pages of printing matter in it.

WM. S. CAMERON—Recalled.

Q.—It has been testified that Messrs. Doughty & Swain occasionally made an eight page form contain only two pages of matter, and a sixteen page form contain only five pages matter. Do you believe it could be done legitimately?

A.—I do not think it could. When Doughty & Swain had the State printing I observed more fat matter than during any previous administration, frequently an eight page form would be made up

of five pages of matter, and a sixteen page form made up of seven pages of matter. It was not customary in Mr. Defrees' time to string out matter, and I think the State printing was done as honestly as any other character of work.

Mr. Blythe moved that the report and accompanying testimony be laid on the table and one thousand copies printed for the use of the House.

Mr. Timpie demanded a division of the question.

The question being on laying the report on the table,
It was agreed to.

The question then being on the motion to print one thousand copies,
It was agreed to.

Mr. Hunter moved to suspend the order of business and take up Senate bill No. 109 and the accompanying message,
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill thereof, viz :

Senate bill No, 109. "A bill to prevent the putting away or circulating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency, in the similitude of bank bills or notes, and for the redemption of such as have been issued, and to prevent any and all violations of the provisions of this act."

In which the concurrence of the House of Representatives is respectfully requested.

The clerk proceeded to read Senate bill No. 109, contained in the foregoing message a first time, during the reading of which,
The following message was received from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolutions, viz :

WHEREAS, The State of Indiana has been and now is unrepresent-

ed in the Senate of the United States ; And WHEREAS, there is now no law other than the Constitutions of the United States and of this State, providing for a choice by the Legislature of this State ; And WHEREAS, it is essential that this Legislature should choose such Senators at its present session.

Be it resolved by the Senate, the House of Representatives concurring therein ;

First. That the Senate and House of Representatives shall, upon the passage of this resolution by either House, proceed immediately to the choice of two persons to represent this State in the Senate of the United States, and that a majority of each House shall be necessary to such choice.

Second. That each person who shall receive a majority of the votes given in both houses of the Legislature, shall be declared duly elected to represent the State of Indiana in the Senate of the United States, the person first chosen shall be declared elected from the date of the election herein provided, and shall serve as such Senator until the 4th of March, 1863, and the person next chosen shall in like manner serve as such Senator until the 4th of March, 1861.

Third. The Secretary of the Senate and the Clerk of the House of Representatives shall immediately upon the choice as herein provided by the respective Houses, certify the same to the Secretary of State, who shall immediately thereafter certify the same under the seal of the State to the Vice-President of the United States, and also furnish to each of the persons so chosen, as herein provided, when application is made by such person or persons, or others for them, copies of their election or choice as such Senators.

Fourth. The said Secretary of State shall furnish, with the certificate as herein provided, a copy of this resolution and the vote of each House thereon.

In which the concurrence of the House of Representative is respectfully requested.

Mr. Stanfield moved to suspend the order of business and take up the foregoing message and accompanying concurrent resolution.

Messrs. Keefer and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Davis.

Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—52.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—43.

So the order of business was suspended, and the message and accompanying concurrent resolution taken up and read.

Mr. Keefer moved to lay the resolution on the table.

Mr. Scott demanded a call of the House,
Which was ordered.

The Clerk proceeded with the call when the following gentlemen answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stanfield, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—96.

Mr. Murray moved to suspend the further call of the House,
Which was agreed to.

Mr. Murray then moved the previous question,
Which was seconded.

H. J.—21.

The question being, shall the main question be now put?
It was so ordered.

The main question being on the adoption of the resolution,

Messrs Turpie and Keefer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffers, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

Those who voted in the negative were,

Messrs. Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shu'l, Smith of Perry, Snyder, Stanley, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the resolution passed.

Ordered, That the Clerk inform the Senate thereof.

Pursuant to the provisions of the concurrent resolution just adopted, the House proceeded to choose a United States Senator by a *viva voce* vote, to serve as such from the time of his election until the 4th day of March, 1863.

Mr. Stiles nominated Hon. Henry S. Lane.

Mr. Blythe asked to be excused from voting,
Which was granted by the House.

Mr. Turpie moved to reconsider the vote just taken by which Mr. Blythe was excused from voting,
Which was not agreed to.

Those who voted for Henry S. Lane were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton,

Cavins, Clark, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

The following members were present but refused to vote for any one,

Messrs. Black, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

Messrs. Colgrove and Merrifield were absent.

Henry S. Lane, having received a majority of all the votes of the members of the House of Representatives of the General Assembly of the State of Indiana, was declared by the Speaker of the House duly elected, on the part of the House of Representatives, United States Senator from the State of Indiana, to serve as such until the 4th day of March, 1863.

The House then proceeded, under the resolution aforesaid, to choose a United States Senator, by a *viva voce* vote, to serve as such from the time of his election until the 4th day of March, 1861.

Mr. Collier nominated Hon. William M. McCarty.

Mr. Blythe asked to be excused from voting,
Objections being made it was not granted.

Those who voted for William M. McCarty were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Cavins, Clark, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stanfield, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—51.

The following members were present but refused to vote for any one:

Messrs. Blythe, Black, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Hartley, Jordan, Keefer, Kelly, Kempf, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Newton, Parrett, Prosser, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Summers, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—47.

Messrs. Colgrove and Merrifield were absent.

William M. McCarty, having received a majority of all the votes of the members of the House of Representatives of the General Assembly of the State of Indiana, was declared by the Speaker of the duly House elected, on the part of the House, United States Senator from the State of Indiana, to serve as such until the 4th of March, 1861.

Ordered, That the clerk inform the Senate of the action of this House, under the concurrent resolution of the Senate and House of Representatives, in regard to electing United States Senators.

Messages from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has elected Henry S. Lane United States Senator for the State of Indiana, to serve as such until the 4th day of March, A. D., 1863; and that they have, also, elected William M. McCarty United States Senator for the State of Indiana, to serve as such until the 4th day of March, 1861.

In which the concurrence of the House of Representatives is respectfully requested.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the whole of the engrossed amendments of the House to

Senate bill No. 20. "A bill to authorize the incorporation of associations, formed for building towns within this State."

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed joint resolution of the House without amendment, viz:

House joint resolution No. 4. "A joint resolution directing the Treasurer of State to appropriate all public money in his hands as therein provided, and directing the Governor, Treasurer and Auditor to borrow money of the Commissioners of the Sinking Fund, or elsewhere, giving the preference to said fund."

Mr. Keefer, at forty-five minutes past four o'clock, P. M., moved that the House do now adjourn;

Which was not agreed to.

Messrs. Parrett, Claypool and Usrey were granted leave of absence from to-morrow until the close of the session.

The consideration of Senate bill No. 109 was then resumed.

No. 109. A bill to prevent the putting away or circulating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency in the similitude of bank bills or notes, or for the redemption of such as has been issued, and to prevent any and all violations of the provisions of this act;

Was read a first time.

Mr. Hunter moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Robinson, Row, Rynerson, Scott, Sherman, Shockley, Shull, Smith of Miami, Stanley, Stiles, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker.—75.

Those who voted in the negative were,

Messrs. Baird, Edwards and Hancock—3.

So the rule was suspended and the bill read a second time by its title.

Mr. Hunter moved to refer the bill to a select committee of three.

Mr. Knowlton offered the following instructions:

Strike out the words "solvent and insolvent" wherever they occur.

Mr. Hunter moved to amend the motion to refer by including both the bill and instructions;

Which was agreed to.

The motion to refer then prevailed.

Messrs. Blythe, Stanfield and Mellett were appointed said committee.

On motion,

Mr. Davis was added to said committee.

On motion,

The House adjourned until to-morrow morning, 9 o'clock.

THURSDAY MORNING, 9 o'clock, }
December 23, 1858. }

The House met.

Mr. Dougherty demanded a call of the House.

The clerk proceeded with the call of the House when the following members answered to their names:

Messrs. Austin, Black, Blythe, Bowman, Boyd, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Collier, Comstock, Davis-

son, Davis, Dobbins, Dougherty, Durham, Dyer, Early, Brantham, Edwards, Firestone, Fordyce, Gifford, Hall of Grant, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stinson, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—80.

On motion by Mr. Hunter,
A further call was dispensed with.

Mr. Murray moved to suspend the order of business and take up the resolution of the Senate in regard to adjournment;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has adopted the following resolution, viz:

“Resolved, That the Senate will, the House concurring, adjourn sine die on Saturday, the 25th inst., at 10 o'clock, A. M.”

In which the concurrence of the House of Representatives is respectfully requested.

The resolution referred to in the foregoing message was read and concurred in.

On motion,
The reading of the journal was dispensed with.

Messrs. Stanfield, Collier, Cavins, Martin and McLain were granted leave of absence from to-morrow noon until the close of the session.

Mr. Branham moved to suspend the order of business in order to introduce the following bill:

By Mr. Branham,

No. 104. A bill making specific appropriations for the year 1858,
Which was read a first time.

Mr. Branham moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Cavins, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hartley, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman, Wood and Mr. Speaker—91.

No person voting in the negative.

The rule was suspended and the bill read a second time by its title.

Mr. Branham moved to amend the bill by striking out "three dollars," in the first section where it refers to the assistants of the principal and assistant secretaries of the Senate, and principal and assistants clerks of the House, and insert "four dollars."

Mr. Turpie moved to lay the motion on the table.

Messrs. Keefer and Dougherty demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Blythe, Boyd, Clayton, Collier, Dougherty, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Hamilton of Boone, Hancock, Johnston, Jordan, Keefer, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Nelson, Parrett, Prosser, Ritter, Row, Rynerson, Shields, Shockley, Shull, Stanley, Stinson, Sullivan, Tebbs, Thompson of Madison, Turpie, Waterman, Whetzel and Wood—41.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Bowman, Boxley, Branham,

Brotherton, Carr, Cavins, Clark, Claypool, Clements, Colgrove, Comstock, Davisson, Davis, Dobbins, Durham, Edwards, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Harrison, Hartley, Hunter, Jefferis, Jones, Mansfield, Mellett, Miller, Murray, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Power, Robinson, Scott, Sherman, Smith of Miami, Smith of Perry, Snyder, Stiles, Thompson of Elkhart, Treadway, Wheeler, Whiteman, Wildman and Mr. Speaker—51.

So the motion was not agreed to.

The question being on the amendment offered by Mr. Branham, It was agreed to.

Mr. Davis moved to strike out "three dollars" per day and insert "four dollars" in the second section in regard to the pay of the Doorkeeper.

Messrs. Hamilton of Boone and Keefer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Baird, Black, Boxley, Claypool, Colgrove, Comstock, Davisson, Davis, Edwards, Gregory, Hall of Grant, Hamilton of Wayne, Harney, Harrison, Hartley, Jefferis, Kelly, Lawhead, Mansfield, Miller, Martin, Newton, Power, Sherman, Smith of Miami, Tebbs, Treadway, Wildman and Mr. Speaker—29.

Those who voted in the negative were,

Messrs. Austin, Bowman, Boyd, Branham, Brotherton, Carr, Cavins, Clark, Clayton, Clements, Collier, Dougherty, Durham, Devol, Early, Eastham, Firestone, Fordyce, Gifford, Hall of Rush, Hamilton of Boone, Hancock, Hunter, Johnston, Jones, Jordan, Keefer, Knowlton, Lewis, McLain, Major, Massey, Mellett, Murray, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Parrett, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stiles, Stinson, Sullivan, Thompson of Elkhart, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman and Wood—62.

So the motion to amend was not agreed to.

Mr. Davis moved to reconsider the vote taken on Mr. Branham's amendment.

Messrs. Davis and Hamilton of Boone, demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Boyd, Clayton, Colgrove, Collier, Davis, Dobbins, Dougherty, Devol, Eastham, Firestone, Fordyce, Gifford, Gregory, Hamilton of Boone, Hancock, Harney, Harrison, Johnston, Jordan, Keefer, Kelly, Knowlton Lewis, McLain, Major, Massey, Nelson, Prosser, Row, Rynerson, Shockley, Stanley, Sullivan, Tebbs, Turpie, Waterman, Wheeler Whetzel, Whiteman, Wildman and Wood—41.

Those who voted in the negative were,

Messrs. Austin, Baird, Black, Bowman, Carr, Cavins, Clark, Claypool, Clements, Comstock, Durham, Early, Edwards, Griffin, Hall of Grant, Hall of Rush, Hamilton of Wayne, Hartley, Hunter, Jefferis, Jones, Lawhead, Mansfield, Mellett, Miller, Martin, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Scott, Sherman, Shields, Shull, Smith of Miami, Smith of Perry, Snyder, Stiles, Stinson, Thompson of Elkhart, Thompson of Madison, Treadway and Mr. Speaker—49.

So the motion to reconsider did not prevail.

Mr. Lawhead moved to amend by allowing each of the Pages and Wood-sawyers two dollars per day ;

Which was agreed to.

Mr. Ritter moved to refer the bill to the committee of the whole House.

Which was not agreed to.

Mr. Dobbins moved to amend as follows :

Strike out three hundred and nineteen dollars, where it appears in connection with the Daily State Sentinel and Daily State Journal, as the price for said papers during the session, and insert four hundred and eighty dollars ;

Which was not agreed to.

Mr. Usrey moved to amend by allowing John Bledso, Assistant Doorkeeper, for last session, twelve dollars ;

Which was agreed to.

Mr. Hunter moved to amend as follows :

That Mr. James R. Bracken be allowed the sum of four dollars per day for two days service as Clerk in organizing the Legislature, Which was agreed to.

Mr. Knowlton moved to amend by adding "ten dollars" for next week's "Weekly American" and "eight dollars" for postage, to be mailed to members ;

Which was agreed to.

Mr. Mellett moved to amend section 4 by striking out the section and inserting in lieu thereof, the following :

Section 4. Clerks of committees shall be allowed three dollars per day, except the clerks upon the ways and means and the special committee on printing, who shall be allowed four dollars per day.

Which was agreed to.

Mr. Clements moved to amend by adding that Robert Borton be allowed the sum of three dollars per day for four days services as Assistant Doorkeeper in organizing the House ;

Which was agreed to.

The bill was then ordered to be engrossed.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the engrossed amendments of the House to

Senate bill No. 15. A bill to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel, and macadamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.

And also, that the Senate has concurred in the engrossed amendments of the House to

Senate bill No. 86. A bill to enable the holders of unauthorized paper currency to collect the amount thereof from any person, company, or corporation, heretofore or hereafter, issuing, or aiding in the issue or circulation thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to present to the House of Representatives, for the signature of the Speaker, enrolled copies of Senate bill No. 15 and Senate bill No. 86.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER:

I am directed by the Governor to inform the House, that he has approved and signed the following bills:

No. 79. A bill supplemental to an act entitled "an act to provide for the location of county seats, and for the erection of public buildings in counties in case of such re-location," approved March 2, 1855, so as to provide for the re-location of county seats, and for the erection and preparation of county buildings in counties where two-thirds of the legal voters have petitioned therefor, designating a site and a house to be used as a court-house, and where a deed has been executed, to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property,

Senate bill No. 59. An act to amend section 3 of "an act regulating the licensing of pilots at the falls of the Ohio, requiring bond and security of such pilots; prohibiting any unlicensed person from acting as such pilot, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15, 1852.

Senate bill No. 5. An act to amend the 32d section of "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana; for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.

Mr. Hartley appealed from the decision of the Chair, ruling a motion to strike out from the journal of yesterday, all that portion that relates or refers to the election of United States Senators, out of order.

WHEREAS, It appears by the journals that an election for United States Senators took place in the House of Representatives upon the 22d day of December, 1858, and,

WHEREAS, Many members of this House believe this Legislature have no right or power to elect such United States Senators, inasmuch as there is now no vacancy existing; therefore, they believe that the whole proceeding in reference to said election was irrelevant, out of order and void, and,

WHEREAS, A motion being made to strike out from the journals all that part that relates to the election of United States Senators, which motion was decided out of order by the Speaker. There-

fore, I, James F. Harney and William F. Parrett, do appeal from said decision of the Chair to the House.

Mr. Branham moved a call of the House ;
Which was ordered.

The Clerk proceeded to call the roll when the following members answered to their names :

Messrs. Austin, Baird, Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Snyder, Stanley, Stiles, Stinson, Sullivan, Summers, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—88.

Mr. Branham moved that a further call be dispensed with ;
Which was agreed to.

Mr. Scott moved to indefinitely postpone the foregoing appeal.

Messrs. Dougherty and Clements demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boyd, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—47.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Clayton, Clements, Dobbins, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Nelson, Newton, Parrett, Shockley, Shull, Snyder, Stanley, Sullivan,

Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—35.

So the appeal was indefinitely postponed.

Mr. Scott moved to reconsider the vote just taken.

Mr. Branham moved to lay the motion on the table;
Which was agreed to.

Mr. Griffin moved to suspend the order of business and take up Senate bill No. 68 and accompanying message;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof :

Senate bill No. 68. A bill to amend the 20th, 28th, 32d and 51st sections of an act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.

In which the concurrence of the House of Representatives is respectfully requested.

Senate bill No. 68, referred to in the foregoing message, was read a first time.

Mr. Griffin moved to suspend the rule and read the bill a second now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Baird, Boyd, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, For-
dyce, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jeffries, Johnston, Major, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Scott, Sherman, Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—43.

Those who voted in the negative were,

Messrs. Austin, Black, Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Dougherty, Durham, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jones, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Nelson, Newton, Parrett, Rynerson, Shields, Shockley, Skull, Smith of Perry, Snyder, Stanley, Stinson, Sullivan, Tebbs, Thompson of Madison, Turpie, Usrey, Waterman, Wheeler and Wood—46.

So the rule was not suspended.

Mr. Hunter moved to suspend the order of business and take up Senate bill No. 102, and accompanying message;
Which was agreed to.

Message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate have passed the following engrossed bill thereof:

Senate bill No. 102. A bill to continue the present board of sinking commissioners, consisting of a president, and four commissioners and one clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified.

In which the concurrence of the House is respectfully requested.

Senate bill No. 102, referred to in the foregoing message, was read a first time.

Mr. Hunter moved to suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Boyd, Boxley, Branham, Brotherton, Colgrove, Collier, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Keefer, Knowlton, Lewis, Major, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Smith of Miami, Smith of Perry, Stinson, Thompson of Elkhart, Treadway, Waterman, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—57.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Clark, Clayton, Clements, Davis, Dobbins, Durham, Early, Eastham, Hancock, Jordan, Kelly, Lawhead, McLain, Massey, Newton, Parks, Parrett, Shockley, Snyder, Stanley, Sullivan, Tebbs, Thompson of Madison, Turpie and Wheeler—27.

So the rule was suspended and the bill read a second time by its title.

Mr. Dougherty moved to further suspend the rule and read the bill a third time now.

Mr. Hamilton of Boone moved the previous question ;
Which was seconded by the House.

The question being, shall the main question be now put ?
It was so ordered.

The question being on the suspension of the rule,

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Boyd, Boxley, Branham, Brother-ton, Clark, Colgrove, Collier, Comstock, Davisson, Dougherty, De-
vol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant,
Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison,
Hunter, Jefferis, Johnston, Jones, Keefer, Lewis, McLain, Major,
Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of
Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott,
Sherman, Shields, Smith of Miami, Smith of Perry, Thompson of
Elkhart, Treadway, Whetzel, Whiteman, Wildman, Wood and Mr.
Speaker—56.

Those who voted in the negative were,

Messrs. Black, Bowman, Carr, Claypool, Clements, Davis, Dob-
bins, Early, Eastham, Firestone, Hancock, Harney, Jordan, Knowl-
ton, Lawhead, Newton, Shockley, Snyder, Stanley, Sullivan, Tebbs,
Thompson of Madison and Turpie—23.

So the rule was suspended.

Mr. Blythe moved to refer the bill to a select committee of five
with the following instructions :

To strike out section first and insert a section simply providing

for the continuance of the office of sinking fund commissioners,
until the first day of April, 1859,

Which was agreed to.

Messrs. Blythe, Branham, Smith of Perry, Hunter and Mellett
were appointed said committee.

Mr. Turpie presented the following protest, signed by himself
and forty-two others :

HALL OF THE HOUSE OF REPRESENTATIVES, {
December 23, 1858.

The undersigned, members of the House of Representatives, hereby earnestly and solemnly protest against the action of the majority of said House, had upon the 22d day of December, 1858, relative to the alleged election of United States Senators for the State of Indiana. In our opinion the action of the United States Senate upon that subject at the last session thereof, was a finality. We therefore refused to participate in said proceedings, believing the same to be irregular, unconstitutional and void. For a justification of our action, we confidently appeal to the history of the facts in the case and to our constituency, the people of Indiana.

WM. F. PARRETT,
S. WHEELER,
A. McLAIN,
H. C. STANLEY,
B. LAWHEAD,
J. H. WOOD,
HASSEL NELSON,
D. S. LEWIS,
J. N. EASTHAM,
C. S. DOBBINS,
NATHANIEL BLACK,
J. B. NEWTON,
J. M. SULLIVAN,
D. USREY,
O. B. KNOWLTON,
THOMAS GIFFORD,
W. F. SHULL,
HAMILTON SMITH,
HENRY JORDAN,
ANDREW J. CARR.
SAMUEL SHOCKLEY,

JOHN A. BOWMAN,
R. A. CLEMENTS,
A. KEEFER,
O. R. DOUGHERTY,
S. S. EARLY,
LEWIS PROSSER,
WARREN TEBBS,
JONATHAN KELLY,
GEORGE W. MASSEY,
N. C. DUNHAM,
WM. F. HARTLEY,
MILES WATERMAN,
WM. HANCOCK,
W. MAJOR,
THOMAS CLAYTON,
WM. A. THOMPSON,
JAMES I. HARNEY,
JOHN B. FIRESTONE,
H. R. CLAYPOOL,
D. TURPIE.

Mr. Davis presented the following protest, signed by himself
and two others :

22—H. J.

The undersigned respectfully protest against this action of the House in relation to the pretended election of United States Senators yesterday, inasmuch as we believe there was no vacancy at the time in the Senate of the United States from the State of Indiana, believing as we do that the action of the United States Senate upon the Senatorial question from this State, in the cases of Messrs. Bright and Fitch was final.

JOHN S. DAVIS,
JAMES F. BLYTHE,
BEN. STINSON.

Mr. Boyd moved to suspend the order of business and take up House bill No. 22, and accompanying message.

A Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed the following engrossed bill of the House, viz:

Engrossed Senate amendments to House bill No. 22.

Insert after the words "provided however," in section 2, "That such appraised value shall not be below the minimum prices now affixed by law.

House bill No. 22. A bill providing for the re-appraisement of the unsold school lands in this State.

In which the concurrence of the House of Representatives is respectfully requested.

On motion by Mr. Boyd,
The amendments were concurred in.

Ordered, That the clerk inform the Senate thereof.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives, that the Senate has passed the following engrossed bill of the House without amendment, viz:

No. 101. A bill to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt.

Mr. Hunter, by leave, moved that the rule be suspended and House bill No. 104. A bill making specific appropriations for the year 1858, be considered as engrossed, and read a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, McLain, Major, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Ritter, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Turpie, Wheeler, Whetzel, Wood and Mr. Speaker—71.

No one voting in the negative.

So the rule was suspended, and the bill read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Black, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Colgrove, Collier, Comstock, Davisson, Dobbins, Dougherty, Durham, Devol, Early, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Knowlton, Lawhead, Lewis, Major, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Parrett, Power, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Wheeler, Whetzel, Wood and Mr. Speaker—68.

So the bill passed.

Ordered, That the clerk inform the Senate thereof.

Leave of absence was granted from and after to-morrow morning, to Messrs. Nebeker of Vermillion, Nelson, Prosser, Johnston, Jordon, Power, Hunter, Shull, Wood and Stinson.

On motion,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

Mr. Dougherty moved to suspend the order of business and take up House bill No. 62, and accompanying message.
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate has passed, with the following engrossed amendments of the Senate thereto:

House bill No. 62. A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters, viz:

Senate's engrossed amendment to House bill No. 62:

After the word "shall," in the 4th line of the 1st section, insert the words "knowingly and."

In which the concurrence of the House of Representatives is respectfully requested.

The amendments were concurred in.

Mr. Davis moved to suspend the order of business and take up House bill

No. 36. A bill to amend the first section of an act entitled "an act providing for extending the terms of Circuit Courts by adjournment when the pending business shall be unfinished," ap-

proved February 12, 1855, to authorize the Court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same.

Which was agreed to.

Message from the Senate, by Mr. Newton, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has passed House bill No. 36, with the following engrossed amendments of the Senate thereto, viz :

Amend by striking out the following words where they appear in the first amended section :

“Any action or actions, or of all actions pending in said court when the complaint has been filed and process served ten days prior to the day fixed for such special term,” and insert in their place the following :

“All actions pending at the close of the preceding regular term.”

Insert immediately preceding of the last sentence in the first section, the following :

“When called in vacation, but notice shall not be necessary to any party requesting such special term, or assenting thereto in writing.”

Strike out the second section.

Also, strike out from the title the following words :

“And to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same.”

In which the concurrence of the House of Representatives is respectfully requested.

Mr. Davis moved that the House refuse to concur in the amendments of the Senate.

Which was agreed to.

REPORTS FROM STANDING COMMITTEES.

Mr. Colgrove, from the committee on the judiciary, made the following report :

MR. SPEAKER :

The judiciary committee, to whom was referred House bill No.

51, entitled "an act to authorize the continuance of all bills, joint resolutions and other business remaining unfinished at the close of the present extra session of this General Assembly, to the next regular session thereof, so that the same may be taken up, passed and completed from the stage thereof, at which it may be left at the close of the present session," have had the same under consideration, and instruct me to report the same back to this House and recommend that the same be laid upon the table.

The report was concurred in and the bill laid on the table.

Mr. Stiles, from the committee on the judiciary, made the following report:

MR. SPEAKER:

The judiciary committee, to whom was referred a "petition from sundry citizens of Vigo county asking a law giving landlords a lien for rent," have had the same under consideration, and direct me to report the same back to the House and recommend its indefinite postponement, deeming legislation on the subject inexpedient,

Which was concurred in.

Mr. Boyd, from the committee on education, made the following majority report:

MR. SPEAKER:

The resolution "that the committee on education be requested to examine into the propriety of adding a number of German works to every township library in those counties where the German population thereof would justify them in so doing," has been considered by said committee, and I am directed by the same to report that it is deemed by the committee inexpedient to recommend any legislation authorizing an increase of the township libraries by works printed in the German language or any other language than our own.

First. Because of the amount of expense thereby incurred, and at a time when considerations of economy are imperatively necessary.

Second. That such a policy is deemed by the committee to be foreign to the intention and spirit of the present common school system, that all of the means adopted therein are intended to promote the interest of education in no other language than our own, and to recommend an increase of our school libraries by works printed in any other language would be as inconsistent and impolitic as the recommendation to extend the benefits of our present system of education to the establishment of schools where instruction should be given in any other than the English language.

Mr. Dougherty, from the same committee, made the following minority report :

MR. SPEAKER :

The majority of the committee on education, to whom was referred a resolution inquiring into the expediency of providing that in townships where there is a sufficient population of Germans to justify it, a number of books in the German language be added to those now in the township libraries, having agreed upon a report adverse to said proposition, the undersigned begs leave most respectfully to dissent from said report.

The undersigned is willing to concede that our citizens of foreign birth or extraction, should be encouraged to acquaint themselves with, and to speak the English language, which is the language of our laws, of our literature, and of our social and commercial intercourse, and that such encouragement should be specially extended to the rising generation among such citizens, yet he is nevertheless apprised of the fact that there is a large adult population among them who cannot be expected to acquire a knowledge of our language. Shall they, during the whole course of their lifetime, be shut out from a knowledge of the laws, the political instructions, and social fabric of their adopted land ? Shall they have no facilities for keeping up with the vast improvements in agriculture, in mechanics and manufactures transpiring around them ? Shall all these avenues of information be closed against them, at least so far as the State is able to do it, simply because a uniformity of language is desirable ? Or rather should not the means of acquiring all this knowledge be afforded them by the liberty of the State through the medium of books in the language of their fatherland, deposited in the libraries of their neighborhood ? The cost of such additions would be trivial, and the amount of good resulting therefrom very great. For these reasons, among many others which he deems it unnecessary to enumerate, the undersigned dissents from the conclusions at which the majority of the committee have arrived, and recommended that said resolution be recommitted with instructions to report a bill with provisions complying with the requirements of such resolution.

The question being on the majority report ?

Mr. Dougherty moved to lay the report on the table.

Mr. Nebeker of Warren, moved to include both reports.

Mr. Dougherty called for a division of the question,
Which was ordered.

The question being on laying the minority report on the table ?

Messrs. Prosser and Keefer demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Black, Boyd, Boxley, Branham, Clark, Claypool, Colgrove, Comstock, Cotton, Davis, Durham, Devol, Edwards, Gregory, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wapne, Harney, Harrison, Jefferis, Johnston, McLain, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Ritter, Robinson, Row, Scott, Shields, Smith of Miami, Thompson of Elkhart, Treadway, Wheeler, Whetzel, Whiteman and Wildman—41.

Those who voted in the negative were,

Messrs. Baird, Bowman, Brotherton, Carr, Clayton, Collier, Clements, Dobbins, Dougherty, Early, Eastham, Firestone, Fordyce, Gifford, Griffin, Jones, Keefer, Kelly, Lewis, Major, Massey, Nelson, Prosser, Rynerson, Shockley, Shull, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Tebbs, Turpie, Waterman and Mr. Speaker—35.

So the motion to lay on the table was agreed to.

The question then being on laying the majority report on the table,

Which was agreed to.

Mr. Clements moved to suspend the order of business and take up

Senate bill No. 6. An act to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.

Which was agreed to.

The bill was read a third time,

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Durham, Early, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Hunter, Jefferis, Johnston, Jones, Kelly, Lewis, McLain, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of

Warren, Nelson, Newton, Parks, Power, Prosser, Ritter, Robinson, Row, Rynerson, Scott, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Sullivan, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman and Wood—75.

Those who voted in the negative were,

Messrs. Baird and Edwards—2.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Blythe, by consent of the House, made the following report from a select committee :

MR. SPEAKER :

The committee, to whom was referred Senate bill No. 102, a bill to continue the present board of sinking commissioners, consisting of a president, and four commissioners and one clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified, with certain instructions, have directed me to report the following section in lieu of the first section of said bill, to-wit :

Section 1. That the office of president of the sinking fund and that of the four commissioners of said fund, and that of the clerk of the sinking fund, is hereby continued until the first Monday in April, A. D., 1859.

The report was concurred in and the amendment adopted.

The bill was then read a third time.

The question being, shall the bill pass?

Those who voted in the affirmative were,

Messrs. Austin, Black, Blythe, Bowman, Boyd, Boxley, Braham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Devol, Durham, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harrison, Hunter, Jefferis, Johnston, Jones, Keefer, Kelly, Lawhead, Lewis, Major, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Prosser, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith

of Perry, Snyder, Stanley, Stiles, Sullivan, Tebbs, Treadway, Turpie, Usrey, Waterman, Wheeler, Whetzel, Wildman and Wood—75.

Those who voted in the negative were,

Messrs. Clements, Harney and Knowlton—3.

So the bill passed.

Mr. Blythe moved to amend the title as follows :

An act to continue the office of president, four commissioners and clerk of the sinking fund until the first Monday of April, 1859. Which was agreed to.

Ordered, That the clerk inform the Senate thereof.

Mr. Nebeker of Warren, moved to suspend the order of business and take up Senate bill No. 110, and accompanying message. Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House that the Senate has passed the following engrossed bill thereof :

Senate bill No. 110. A bill to vest in the assignees of the branches of the State Bank of Indiana the right to force in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process, and to give acquittance in their own names, and to secure to them their rights.

In which the concurrence of the House of Representatives is respectfully requested.

The bill referred to in the foregoing message was read a first time.

Mr. Nebeker of Warren moved to further suspend the rule and read the bill a second time now by its title.

The ayes and noes being taken under the constitution,

Those who voted in the affirmative were,

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier,

Comstock, Cotton, Davis, Dobbins, Dougherty, Devol, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Keefer, Lawhead, Lewis, McLain, Major, Mansfield, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Parks, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Sullivan, Tebbs, Thompson of Elkhart, Thompson of Madison, Treadway, Usrey, Waterman, Wheeler, Whetzel, Whiteman, Wildman, Wood and Mr. Speaker—75.

Mr. Claypool voted in the negative.

So the rule was suspended and the bill read a second time by its title.

Mr. Nebeker of Warren, moved to further suspend the rule and read the bill a third time now.

The ayes and noes being taken under the constitution.

Those who voted in the affirmative were,

Messrs. Baird, Blythe, Bowman, Boxley, Branham, Brotherton, Carr, Clark, Clayton, Clements, Colgrove, Collier, Cotton, Davisson, Davis, Devol, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Jones, Jordan, McLain, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Sherman, Shields, Shockley, Shull, Smith of Miami, Smith of Perry, Snyder, Stanley, Stiles, Tebbs, Thompson of Elkhart, Treadway, Wheeler, Wildman and Mr. Speaker—58.

Those who voted in the negative were,

Messrs. Austin, Boyd, Claypool, Comstock, Dobbins, Dougherty, Durham, Early, Hall of Grant, Harney, Johnston, Keefer, Lawhead, Lewis, Major, Nelson, Sullivan, Thompson of Madison, Waterman and Wood—20.

So the rule was suspended and the bill read a third time.

The question being shall the bill pass?

Those who voted in the affirmative were,

Messrs. Baird, Blythe, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Colgrove, Collier, Com-

stock, Cotton, Davisson, Davis, Dobbins, Durham, Devol, Eastham, Edwards, Firestone, Fordyce, Gregory, Griffin, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston, Jones, Knowlton, McLain, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Newton, Parks, Power, Ritter, Robinson, Scott, Sherman, Shields, Shockley, Smith of Miami, Smith of Perry, Stiles, Tebbs, Thompson of Elkhart, Treadway, Turpie, Usrey, Wheeler, Whiteman, Wildman and Mr. Speaker—61.

Those who voted in the negative were,

Messrs. Austin, Dougherty, Early, Gifford, Hall of Grant, Keefer, Lewis, Major, Nelson, Sullivan, Thompson of Madison and Waterman—12.

So the bill passed.

Ordered, That the Clerk inform the Senate thereof.

Mr. Collier, from a select committee, obtained leave and made the following report:

MR. SPEAKER:

The committee on ventilation, under a resolution of the House, have considered the subject, and are of opinion that the comfort of the members can be improved by warming the room with hot air furnaces, and ventilating by placing a register in the skylight and in the pilasters, on each side of the Hall.

The committee have conferred with a gentleman in this city, (Mr. Cox,) who proposes to warm the Hall by placing two of Lotze's portable hot air furnaces in the basement, bringing the hot air through the floor on each side of the clerks desks, and through the wall on each side of the Hall, put in the necessary registers, at a cost of \$475, unless the furnaces are set in brick chambers, in which case the cost not to exceed \$550. The contingences are included, and the work warranted to give satisfaction.

Your committee, therefore, recommend that Mr. Cox be employed to put up the furnaces during the recess, and have them in operation at the beginning of the regular session.

Which was concurred in.

Mr. Jefferis obtained leave and offered the following resolution:

Resolved, That the reporter for the Cincinnati Commercial be and is hereby expelled from his seat as a reporter upon this floor, for preparing and causing to be published a libel upon the Hon. Mr. Colgrove and other members of this House.

Mr. Ritter moved the previous question,
Which was seconded by the House.

The question being shall the main question be now put?
It was so ordered.

The question being on the adoption of the resolution,
It was agreed to.

On motion by Mr. Davis,
The following message from the Senate was taken up:

MR. SPEAKER:

I am directed by the Senate to inform the House of Representatives that the Senate insists upon its engrossed amendments to

House bill No. 36. An act to amend the first section of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12, 1855, to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special term, and of prosecuting attorneys while in attendance upon the same.

And asks that a committee of free-conference be appointed on the part of the House to confer with a similar committee on the part of the Senate in relation thereto.

Mr. Davis moved that a committee of free-conference, on House bill No. 36, be appointed on the part of the House,
Which was agreed to.

Messrs. Davis, Blythe and Harrison were appointed said committee.

Mr. Blythe, from a select committee, obtained leave and made the following report, viz:

MR. SPEAKER:

The special committee, to whom was referred Senate bill No. 109, imposing certain penalties for issuing and circulating unauthorized paper money, have had the same under consideration, and have directed me to report the same back and recommend that it be laid on the table. The committee make the recommendation because they find the bill so radically defective that it must be entirely rewritten, and this session is now so near its close, that it will be unwise, if not impossible, to attempt to rewrite it,
Which was concurred in.

Mr. Miller, from a select committee, obtained leave and made the following report :

MR. SPEAKER :

The committee, to whom was referred Senate bill No. 16, a bill for the relief of James O'Brien, and for divesting the title the State may have in certain lands therein described, have considered the same, and would report it back and recommend that the same lie on the table,

Which was concurred in.

Mr. Parks, from the committee on rights and priviles of the inhabitants of the State, obtained leave and made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of the State, to whom was referred the petition of divers inhabitants of Sullivan county praying the General Assembly to legalize contracts to be made, allowing a rate of interest not exceeding 10 per cent. per annum on money, have had the same under consideration, and have instructed me to report the petitions back to the House and recommend that the same be laid on the table.

Mr. Edwards, from the committee on benevolent institutions, to whom was referred the petition of Charles F. Noble, of the county of Marion, complaining of ill treatment at the Hospital for the Insane, have investigated the same and find that the memorialist was a patient at the hospital, that the grievances of which he complains are imaginary, the committee therefore ask to be discharged from the further consideration thereof :

Which was agreed to.

Mr. Harrison, from the committee on county and township business, obtained leave and made the following report :

MR. SPEAKER :

The committee on county and township business, to whom was referred House bill No. 17, a bill for the creation of township trustees, election of trustees, mode of assessing township tax and doing township business, having had the same under advisement, direct me to report the same back to the House and recommend it to be laid on the table for the following reasons :

That the House has, by resolution, directed the committee to report no bill on that subject during the present session of the Legislature.

Mr. Ritter obtained leave and presented a petition from John P. Dunn and Jeremiah D. Skeen, on the affairs of the State prison.

On motion by Mr. Ritter,
The petition was referred to the committee on the State prison.

Mr. Brotherton, from the committee on rights and privileges of the inhabitants of this State, obtained leave and made the following report :

MR. SPEAKER :

The committee on the rights and privileges of the inhabitants of this State, to whom was referred bill of the House No. 55, entitled an act to regulate the holding of agricultural fairs and other public meetings, and to prevent frauds upon agricultural societies, have had that subject under consideration, and directed me to report the following amendments, after the adoption of which they recommend its passage :

First. Amend the title of said bill by striking out all after the words "an act," and insert the following: "to amend the thirty-seventh section of chapter six, 2d vol. Revised Statutes of 1852, entitled 'an act defining misdemeanors, and prescribing punishment thereof,' approved June 14, 1852."

Second. Amend said bill by striking out all after the words "be it enacted by the General Assembly of the State of Indiana," and insert the following: "that the thirty-seventh section of chapter six, 2d vol. of the Revised Statutes of 1852, entitled 'an act defining misdemeanors, and prescribing punishment thereof,' approved June 14, 1852," which reads as follows: If any person shall disturb any religious society, or any member thereof, when met, or meeting together for public worship, or shall sell or give away any spirituous liquors at any booth, wagon, sled, or open place, or in any building temporarily erected for the purpose of selling therein such liquors within two miles of any collection of a portion of the citizens of this State, convened for the purpose of public worship, or shall disturb any collection of the people convened for any lawful purpose, such person shall be fined not exceeding fifty nor less than five dollars, and imprisonment not exceeding thirty days may be added, be amended as follows :

SECTION 1. Every person who shall erect, bring, keep or maintain any booth, tent, shed, wagon, or huckster shop for the sale of any intoxicating liquors, cider or beer, or for the sale of any article whatever, or shall either directly or indirectly sell, barter or give any intoxicating liquors within two miles of any agricultural fair, or any collection or assemblage of any of the inhabitants of this State met together for religious worship, shall be deemed guilty of a misdemeanor.

SEC. 2. And every person who shall erect any tent, inclosure, or covering whatever for the show or exhibition for gain, of any menagerie, circus, rope or wire dancing, ledgerdmain, puppet-show, swing, cards, dice, roulette, wheel of fortune, or any other device whatever for winning or gaining money, or other article of value, or who shall keep, continue, or maintain or engage therein, of any such show on exhibition of any such menagerie, circus, rope or wire dancing, ledgerdmain, puppet-show, swing, cards, dice, roulette, wheel of fortune, or any other device for winning or gaining money or other article of value within two miles of any agricultural fair, or any collection or meeting of any of the inhabitants of this State, met together for religious worship, shall be deemed guilty of a misdemeanor.

SEC. 3. And every person who shall, when persons only as they may think advisable, to erect tents, inclosures and swings, and regulate the same upon, or in the vicinity of such agricultural fair, and authorize persons to keep boarding establishments, to furnish and sell provisions and food to any and all persons attending the same, for themselves and stock. They may also license and authorize at such fairs, and in their vicinity, and regulate the same, the exhibition of such menageries, circuses, swings and curiosities of nature. And *provided further*, that such persons as may have the legitimate management and control of such religious meetings, may permit and authorize such persons as they may think proper, and to regulate the same, to erect and maintain boarding establishments, and provide, punish and sell necessary provisions and food to all persons attending such meetings.

On motion by Mr. Brotherton,
The report and accompanying papers were laid on the table.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has appointed Messrs Wallace, March and Conner a committee of free-conference on the part of the Senate to confer with a similar committee on the part of the House, in relation to the Senate's engrossed amendments to House bill No. 36.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House, that he has approved and signed the following bills :

Senate bill No. 86. An act to enable the holders of unauthorized paper money, to collect the amount thereof from any person, company, or corporation, heretofore or hereafter, issuing, or aiding in the issue or circulation thereof.

Senate bill No. 15. An act to authorize and empower the county commissioners or board doing county business in any county, to take possession of and control any and all plank, gravel, and macadamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.

Mr. Branham obtained leave and offered the following resolution:

Resolved, That it is hereby ordered that the journals of this call session shall not be printed until after the expiration of the regular session, when the journals of the two sessions may be printed together,

Which was agreed to.

Mr. Austin offered the following resolution:

Resolved, That the members of this House return their thanks to the Hon. Jonathan W. Gordon, Speaker of the House of Representatives, for the impartial and dignified manner in which he has discharged the duties of the office, and for his untiring efforts to discharge business,

Which was unanimously agreed to.

Mr. Nebeker of Warren, at fifteen minutes past four o'clock, P. M., moved that the House do now adjourn;

Which was not agreed to.

ORDERS OF THE DAY.

No. 42. A bill to establish courts of common pleas, defining their jurisdiction and duties, and providing compensation for the judge and prosecuting attorney thereof, and to repeal an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof," approved May 14, 1852, and to repeal all other acts inconsistent herewith.

The question pending, being on concurring in the report of the committee on organization of courts and laying the bill on the table.

Mr. Scott moved to lay the report and bill on the table,
Which was agreed to.

Mr. Jones obtained leave and gave the following notice :

MR. SPEAKER :

I now give notice that I will, at an early day at the regular session, introduce a bill to prevent the issue and circulation within this State, of all bank notes whether within this or other States of a less denomination than five dollars.

Mr. Colgrove, at twenty minutes past four o'clock, P. M. moved that the House do now adjourn :

Which was not agreed to.

Mr. Knowlton obtained leave and introduced the following resolution :

Resolved, That J. J. Bingham be requested to print a sheet embracing names of members, place of residence, and similar in character to the one published for the Senate ;

Which was not agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate refuses to concur in the engrossed amendments of the House to

Senate bill No. 102. A bill to continue the present board of sinking fund commissioners, consisting of a president and four commissioners and one clerk, from the first of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified.

And asks that a committee of free-conference be appointed on the part of the House to confer with a similar committee on the part of the Senate in relation thereto, and that Messrs. Hamilton, Wagner and Anthony have been appointed said committee on the part of the Senate.

On motion,

The House refused to recede from the amendments of the Senate to the foregoing bill.

On motion,

A committee of free-conference was ordered to be appointed on the part of the House.

Messrs. Davis, Hunter and Branham were appointed said committee.

Mr. Hunter moved a call of the House,
Which was ordered.

When the following members answered to their names :

Messrs. Austin, Baird, Blythe, Bowman, Boyd, Boxley, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Comstock, Cotton, Davisson, Davis, Dobbins, Dougherty, Durham, Devol, Early, Eastham, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hancock, Harney, Harrison, Hunter, Johnston, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Nelson, Newton, Parks, Ritter, Robinson, Row, Ryner-son, Scott, Sherman, Shockley, Smith of Miami, Smith of Perry, Snyder, Stiles, Sullivan, Thompson of Elkhart, Thompson of Madison, Treadway, Turpie, Waterman, Wheeler, Whetzel, Wood and Mr. Speaker—74.

Mr. Hunter moved that a further call of the House be dispensed with ;

Which was agreed to.

Mr. Branham, from the free-conference committee, made the following report :

MR. SPEAKER :

The committee of free-conference on the part of the House, to whom was referred Senate bill No. 102, have had the same under consideration, and recommend that the House recede from its engrossed amendment.

The question being on concurring in the report of the committee.

Messrs. Turpie and Dobbins demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Boyd, Boxley, Branham, Brotherton, Clark, Colgrove, Comstock, Cotton, Davisson, Dougherty, Devol, Edwards, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harrison, Hunter, Johnston, Mansfield, Mellett, Miller, Nebeker of Vermillion, Nebeker of Warren, Parks, Ritter, Robinson, Scott, Sherman, Smith of Miami, Smith of Perry, Stiles, Thompson of Elkhart, Treadway, Whetzel, Whiteman and Mr. Speaker—42.

Those who voted in the negative were,

Messrs. Blythe, Bowman, Carr, Claypool, Clayton, Clements, Davis, Dobbins, Early, Eastham, Firestone, Hancock, Harney, Jones, Jordan, Knowlton, Lawhead, Lewis, McLain, Massey, Nelson, Newton, Row, Rynerson, Shields, Snyder, Sullivan, Thompson of Madison, Turpie, Waterman, Wheeler and Wood—
32.

So the report was concurred in.

On motion by Mr. Dobbins,

Resolved, That the members of this House return their thanks to the Reporters of the Indiana State Sentinel and Indiana State Journal, for the faithful manner in which they have performed their duties as such Reporters.

On motion by Mr. Collier,
The House adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

House met.

A message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I bring to the House enrolled Senate bills No. 102, 106 and 110 for signature of the Speaker thereof.

Mr Brotherton, from the committee on enrolled bills, made the following report:

MR. SPEAKER:

The committee on enrolled bills have compared enrolled bills of the House Nos. 22 and 62 with the engrossed copies thereof, and find the same correctly enrolled.

Mr. Hunter obtained leave and offered the following resolution:

Resolved, By this House, the Senate concurring, that the laws of this session of the Legislature as well as the journals thereof, be not published until after the next regular session, and that they then be published with the laws and journals of that session.

Mr. Dougherty moved to lay the resolution on the table,
Messrs. Branham and Colgrove demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Bowman, Boyd, Carr, Claypool, Clayton, Clements, Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Hancock, Harney, Jordan, Keefer, Kelly, Knowlton, Lawhead, Lewis, McLain, Massey, Shockley, Shull, Snyder, Stanley, Sullivan, Thompson of Madison, Waterman and Wheeler—30.

Those who voted in the negative were,

Messrs. Austin, Baird, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, Fordyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Hunter, Jefferis, Johnston, Mansfield, Mellett, Nebeker of Vermillion, Nebeker of Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott, Shields, Smith of Miami, Thompson of Elkhart, Treadway, Whetzel, Whiteman, Wildman and Mr. Speaker—42.

So the resolution was not laid on the table.

Mr. Keefer moved a call of the House,
Which was so ordered.

The clerk proceeded with the call when the following members answered to their names :

Messrs. Austin, Baird, Bowman, Boyd, Boxley, Branham, Brotherton, Carr, Clark, Claypool, Clayton, Clements, Colgrove, Collier, Comstock, Cotton, Davisson, Dobbins, Dougherty, Devol, Early, Edwards, Firestone, Fordyce, Gifford, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of Boone, Hamilton of Wayne, Harney, Harrison, Hunter, Jefferis, Johnston, Jones, Jordan, Kelly, Lawhead, Lewis, McLain, Mansfield, Massey, Mellett, Nebeker of Warren and Parks—46.

Pending the call

Mr. Ritter moved to suspend the further call of the House;
Which was agreed to.

Mr. Branham moved the previous question;
Which was seconded by the House.

The question being, shall the main question be now put?
It was so ordered.

The main question being on the adoption of the resolution,
Messrs. Dobbins and Firestone demanded the ayes and noes.

Those who voted in the affirmative were,

Messrs. Austin, Baird, Boxley, Branham, Brotherton, Clark, Colgrove, Collier, Comstock, Cotton, Davisson, Devol, Edwards, For-
dyce, Gregory, Griffin, Hall of Grant, Hall of Rush, Hamilton of
Boone, Hamilton of Wayne, Harrison, Hunter, Jefferis, Johnston,
Mansfield, Mellett, Miller, Nebeker of Vermillion Nebeker of
Warren, Parks, Power, Ritter, Robinson, Row, Rynerson, Scott,
Sherman, Shields, Smith of Miami, Thompson of Elkhart, Tread-
way, Whetzel, Whiteman, Wildman and Mr. Speaker—45.

Those who voted in the negative were,

Messrs. Bowman, Boyd, Carr, Claypool, Clayton, Clements,
Dobbins, Dougherty, Early, Eastham, Firestone, Gifford, Han-
cock, Harney, Jones, Jordan, Keefer, Kelly, Lawhead, Lewis,
McLain, Massey, Shockley, Skull, Snyder, Stanley, Sullivan,
Thompson of Madison, Turpie, Waterman and Wheeler—31.

So the resolution was agreed to.

Ordered, That the Clerk inform the Senate thereof.

Mr. Boyd moved to suspend the order of business and take up
messages from the Senate on House bill No. 104;
Which was agreed to.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representa-
tives that the Senate has passed House bill No. 104, a bill to make
specific appropriations for the year 1858, with the following en-
grossed amendments thereto, viz :

In which the concurrence of the House of Representatives is re-
spectfully requested.

Strike out "four" and insert "three" in the last line of section 4.

Add not exceeding twelve days to section 6.

Strike out "assistant" in section 6 and insert "principal."

Add to section 4, "to be certified by the chairman of the respective committees."

SECTION —. That Messrs. Anthony, Weir, McLean, Rice, Hill, Jennings, Bennet, Wagner, Cooper and Gooding, committee on State prison, be allowed each the sum of sixteen dollars and fifty cents, for expenses in visiting said prison.

SEC. —. That Augustus Haltzman be allowed the sum of twenty-four dollars, for six days service as an Assistant Doorkeeper at the session of 1857.

SEC. —. That Jeremiah Shea be allowed the sum of one hundred and thirty-six dollars, for carrying the mail of both Houses during the present session.

SEC. —. That Cameron & McNeely be allowed the sum of one hundred and six dollars and twenty-five cents, for papers furnished the Senate.

SEC. —. That Hons. Horace Heffren, Walter March, James E. Wilson, David S. Gooding and John S. Bobbs be allowed four dollars per day, for the period of 35 days, each, as a select committee on bank frauds of the last session sitting during vacation.

SEC. —. That A. B. Willard & Co. be allowed the sum of three dollars, for articles furnished for the use of Senate.

SEC. —. That Merrill & Co. be allowed the sum of eight dollars, for stationery furnished the Senate.

SEC. —. That B. F. Tuttle be allowed the sum of sixty cents, for articles for the use of the Senate.

SEC. —. That Georh H. Johnson be allowed the sum of four dollars and sixty cents, for articles furnished for the use of the Senate.

SEC. —. That Robert Browning be allowed the sum of fifty cents, for articles furnished for the use of the Senate.

SEC. —. That John Ott be allowed the sum of fourteen dollars, for chairs for the use of the Senate.

SEC. —. That J. & J. Bradshaw be allowed the sum of four dollars and fifty-five cents, for articles for the use of the Senate.

SEC. —. That Kline G. Shryock be allowed mileage and per diem of a member for fifteen days.

SEC. —. That the Indianapolis Journal Co. be allowed the sum of two hundred and eighty-eight dollars, for papers furnished the Senate.

SEC. —. That the Sentinel Co. be allowed the sum of three hundred and eighty-eight dollars, for Daily Sentinel and Legislative Sentinel furnished the Senate.

SEC. —. That T. A. Goodwin be allowed the sum of forty-nine dollars and fifty cents, for the Indiana American furnished the Senate.

SEC. —. That Pat McLaughlin be allowed the sum of seventy-eight dollars, for services in assisting State Librarian.

SEC. —. That Lary Kennedy be allowed the sum of thirty-six dollars, for sweeping State House.

SEC. —. That John Lennihan be allowed the sum of seventy-two dollars, for services in State Library.

SEC. —. That E. J. Baldwin & Co. be allowed the sum of four dollars, for thermometers furnished the Senate Chamber.

SEC. —. That Julius Bœticher be allowed the sum of thirty-three dollars, for the Weekly Volksblatt furnished the Senate.

SEC. —. That Hennegen be allowed the sum of thirty-three dollars, for the Weekly Free Press furnished the Senate.

John McCord,

For 280 miles tavel.....	\$14 00	
For 2 days attendance.....	6 00	
	<hr/>	\$20 00

W. W. Williams,

For 72 miles travel.....	\$3 60	
For 2 days attendance.....	4 00	
	<hr/>	7 60

John Foster,

For 1 day's attendance.....		2 00
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James F. Suit,

For 1 day's attendance.....		2 00
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George W. Harryman,

For 200 miles travel.....	\$10 00	
For 3 days attendance.....	6 00	
	<hr/>	16 00

John F. Sims,

For 56 miles travel.....	\$2 80	
For 2 days attendance	4 00	
	<hr/>	6 80

James S. Wood,

For 300 miles travel.....	\$15 00	
For 3 days attendance.....	6 00	
	<hr/>	21 00

Isaac Vandeventer,		
For 1 day's attendance.....		\$2 00
A. S. Griggs,		
For 72 miles travel.....	\$4 60	
For 3 days attendance.....	6 00	
	<hr/>	10 60
James P. Drake,		
For 1 day's attendance..		2 00
James H. Weir,		
For 240 miles travel.....	\$12 00	
For 3 days attendance.....	6 00	
	<hr/>	18 00
Charles H. Test,		
For 1 day's attendance.....		2 00
Thomas L. Smith,		
For 1 day's attendance.....		2 00
John Hunt of Madison,		
For 68 miles travel.....	\$3 40	
For 2 days attendance.....	4 00	
	<hr/>	7 40
William Petty,		
For 1 day's attendance.....		2 00
Samuel H. Patterson,		
For 216 miles travel.....	\$10 80	
For 5 days attendance.....	10 00	
	<hr/>	20 80
W. Baker,		
For 390 miles travel.....	\$19 50	
For 4 days attendance.....	8 00	
	<hr/>	27 50
A. P. Willard,		
For 1 day's attendance.....		2 00
Calvin Fletcher,		
For 2 days attendance.....		4 00
William T. Dennis,		
For 136 miles travel.....	\$6 80	
For 3 days attendance.....	6 00	
	<hr/>	12 80

Thomas Dowling,		
For 140 miles travel.....	\$7 00	
For 3 days attendance.....	6 00	
	<hr/>	\$13 00
George L. Jerolaman,		
For 1 day's attendance.....		2 00
W. H. Talbott,		
For 2 days attendance.....		4 00
John S. Spann,		
For 1 day's attendance.....		2 00
James McMurray,		
For 80 miles travel.....	\$4 00	
For 3 days attendance.....	6 00	
	<hr/>	10 00
Austin H. Brown,		
For 1 day's attendance		2 00
A. F. Morrison,		
For 2 days attendance.....		4 00
James F. Parker,		
For 186 miles travel.....	\$9 30	
For 4 days attendance ..	8 00	
	<hr/>	17 30
J. D. Defrees,		
For 3 days attendance.....		6 00
Swan Brookshire,		
For 126 miles travel.....	\$6 30	
For 3 days attendance.....	6 00	
	<hr/>	12 30
James Montgomery,		
For 224 miles travel.....	\$11 20	
For 3 days attendance.....	6 00	
	<hr/>	17 20
Charles D. Murray,		
For 110 miles travel.....	\$5 50	
For 4 days attendance.....	8 00	
	<hr/>	13 50
R. N. Hudson,		
For 1 day's attendance.....		2 00

Ordered, That an allowance be recommended to Larry Kennedy of two dollars per day for fourteen days attendance as Doorkeeper to the committee.

Milton Gregg,		
For 224 miles travel.....	\$11 20	
For 3 days attendance..	6 00	
	<hr/>	\$17 20
John Weston,		
For 400 miles travel.....	\$20 00	
For 3 days attendance.....	6 00	
	<hr/>	26 00
A. P. Clark,		
For 396 miles travel.....	\$19 80	
For 3 days attendance	10 00	
	<hr/>	29 80
J. F. Brothwell,		
For 400 miles travel.....	\$20 00	
For 3 days attendance.....	6 00	
	<hr/>	26 00
J. H. Thomas,		
For 190 miles travel.....	\$9 50	
For 4 days attendance.....	8 00	
	<hr/>	17 50
E. Ellis Campbell,		
For 1 day's attendance.....		2 00
Henry Bigler,		
For 1 day's attendance.....		2 00
George H. Merrifield,		
For 382 miles travel	\$19 10	
For 3 days attendance.....	6 00	
	<hr/>	25 10
Washington Malick,		
For 138 miles travel	\$6 90	
For 3 days attendance.....	6 00	
	<hr/>	12 90
Isaac W. Tackett,		
For 44 miles travel.....	\$2 20	
For 2 days attendance.....	4 00	
	<hr/>	6 20

John D. Montgomery,		
For 100 miles travel.....	\$5 00	
For 3 days attendance.....	6 00	
	<hr/>	\$11 00
J. D. Skeen,		
For 1 day's attendance.....		3 00
A. R. McCleary,		
For 170 miles travel.....	\$8 50	
For 3 days attendance.....	6 00	
	<hr/>	14 50
Minor Meeker,		
For 116 miles travel.....	\$5 80	
For 3 days attendance.....	6 00	
	<hr/>	11 80
John L. Spann,		
For 130 miles travel.....	\$6 50	
For 3 days attendance	6 00	
	<hr/>	12 50
John R. Cravens,		
For 172 miles travel.....	\$8 60	
For 3 days attendance.....	6 00	
	<hr/>	14 60
Lew Burk,		
For 138 miles travel....	\$6 90	
For 3 days attendance.....	6 00	
	<hr/>	12 90
J. W. Burson,		
For 100 miles travel.....	\$5 00	
For 3 days attendance.....	6 00	
	<hr/>	11 00
John Witherow,		
For 40 miles travel..	\$2 00	
For 2 days attendance..	4 00	
	<hr/>	6 00
George Tague,		
For 1 day's attendance.....		2 00
David H. Crouse,		
For 144 miles travel.....	\$7 20	
For 3 days attendance.....	6 00	
	<hr/>	13 20

N. J. Jackson,			
For 80 miles travel.....	\$4 00		
For 2 days attendance.....	4 00		
	<hr/>		\$8 00
William R. Bowes,			
For 1 day's attendance.....			2 00
David S. Lewis,			
For 270 miles travel.....	\$13 50		
For 3 days attendance.....	6 00		
	<hr/>		19 50
James M. Ray,			
For 2 days attendance.....			4 00
David Crane,			
For 228 miles travel.....	\$11 40		
For 3 days attendance.....	6 00		
	<hr/>		17 40
A: W. Landford,			
For 150 miles travel.....	\$7 50		
For 3 days attendance.....	6 00		
	<hr/>		13 50
John M. Talbott,			
For 1 day's attendance.....			2 00
Charles W. Cottom,			
For 2 days attendance.....			4 00
D. C. Branham,			
For 172 miles travel.....	\$8 60		
For 3 days attendance.....	6 00		
	<hr/>		14 60
John Pettit,			
For 1 day's attendance.....			2 00
Cyrus R. Drew,			
For 390 miles travel.....	\$19 50		
For 4 days attendance.....	8 00		
	<hr/>		27 50
Meedy W. Shields,			
For 120 miles travel.....	\$6 00		
For 3 days attendance.....	6 00		
	<hr/>		12 00

O. P. Gilham,			
For 300 miles travel.....	\$15 00		
For 3 days attendance.....	6 00		
	<hr/>		\$21 00
James M. Mathes,			
For 218 miles travel.....	\$10 90		
For 3 days attendance.....	6 00		
	<hr/>		16 90
Charles S. Ellis,			
For 200 miles travel	\$10 00		
For 4 days attendance.....	8 00		
	<hr/>		18 00
A. V. Bartholomew,			
For 300 miles travel.....	\$15 00		
For 3 days attendance.....	6 00		
	<hr/>		21 00
V. J. Burnett,			
For 146 miles travel.....	\$7 30		
For 3 days attendance.....	6 00		
	<hr/>		13 30
George W. Monks,			
For 144 miles travel.....	\$7 20		
For 3 days attendance.....	6 00		
	<hr/>		13 20
John Coburn,			
For 3 days attendance			6 00
John Hunt,			
For 134 miles travel.....	\$6 70		
For 3 days attendance.....	6 00		
	<hr/>		12 70
John P. C. Shanks,			
For 180 miles travel.....	\$9 00		
For 3 days attendance.....	6 00		
	<hr/>		15 00
Michael G. Bright,			
For 172 miles travel.....	\$8 60		
For 3 days attendance.....	6 00		
	<hr/>		14 60

D. M. Dunn,		
For 140 miles travel.....	\$7 00	
For 3 days attendance	6 00	
	<hr/>	\$13 00
S. H. Buskirk,		
For 1 day's attendance.....		2 00
E. D. Taylor,		
For 1 day's attendance.....		2 00
J. S. Harvey,		
For 1 day's attendance.....		2 00
Samuel Judah,		
For 272 miles travel.....	\$13 60	
For 3 days attendance.....	6 00	
	<hr/>	19 60
Jacob R. Hall,		
For 320 miles travel.....	\$16 00	
For 3 days attendance.....	6 00	
	<hr/>	22 00
Amzi L. Wheeler,		
For 2 days attendance.....		4 00
J. W. Hervey,		
For 30 miles travel.....	\$1 50	
For 1 day's attendance.....	2 00	
	<hr/>	3 50
Samuel Burson,		
For 1 day's attendance.....		2 00
Harris Reynolds,		
For 1 day's attendance.....		2 00
P. A. Hackleman.		
For 92 miles travel.....	\$4 60	
For 3 days attendance.....	6 00	
	<hr/>	10 60
John L. Robinson,		
For 92 miles travel.....	\$4 60	
For 1 day's attendance.....	2 00	
	<hr/>	6 60

Thomai G. Harris,			
For 400 miles travel.....	\$20 00		
For 5 days attendance.....	10 00		
	<hr/>		\$30 00
David Kilgore,			
For 1 day's attendance.....		2 00	
David Cain,			
For 200 miles travel.....	\$10 00		
For 3 days attendance.....	6 00		
	<hr/>		16 00
R. Schoonover,			
For 290 miles travel.....	\$14 50		
For 4 days attendance.....	8 00		
	<hr/>		22 50
Samuel J. Anthony,			
For 308 miles travel.....	\$15 40		
For 3 days attendance.....	6 00		
	<hr/>		21 40
George C. Clark,			
For 90 miles travel.....	\$4 50		
For 3 days attendance.....	6 00		
	<hr/>		10 50
James Dick,			
For 3 days attendance.....		6 00	
Thomas D. Foutz,			
For 216 miles travel.....	\$10 80		
For 3 days attendance.....	6 00		
	<hr/>		16 80
Sol. Meredith,			
For 106 miles travel.....	\$5 30		
For 2 days attendance.....	4 00		
	<hr/>		9 30
E. Dumont,			
For 2 days attendance.....		4 00	
Townsend Cutshaw,			
For 288 miles travel.....	\$14 40		
For 4 days attendance.....	8 00		
	<hr/>		22 40

J. W. Plummer, Assistant Sergeant-at-Arms, for services as such, the sum of.....	\$7 20
John L. Menaugh, Assistant Sergeant-at-Arms, for services as such, the sum of.....	30 50
George W. Randall, Assistant Sergeant-at-Arms, for services as such, the sum of.....	14 40
George W. Burns, Assistant Sergeant-at-Arms, for services as such, the sum of.....	5 00
Buckle, Assistant Sergeant-at-Arms, for services as such the sum of	6 20
John Rea, Assistant Sergeant-at-Arms, for services as such, the sum of	7 70
John L. Dew, Assistant Sergeant-at-Arms, for services as such, the sum of.....	2 60
Joshua S. McDonald, Sergeant-at-Arms, for services as such, the sum of.....	631 05
And as compensation for correspondence with Sheriffs and postage in that behalf expended, the further sum of..	15 00
D. C. Shanks, Assistant Sergeant-at-Arms, for services as such, the sum of.....	179 40
H. A. McDowell, Assistant Sergeant-at-Arms, for services as such, the sum of.....	53 90
That Willian McCleary, Sheriff of Fayette county, be allowed the sum of.....	1 40
Than Enoch Boughman, Sheriff of Jackson county, be allowed the sum of.....	1 50
That H. Keeny, Sheriff of Switzerland county, be allowed the sum of	1 40
That Morgan Chandler, Sheriff of Hancock county, be allowed the sum of.....	50
That Wilson R. McElheny, Sheriff of Cass county, be allowed the sum of.....	50
That Ambrose McKenzie, Assistant Sergeant-at Arms, be allowed the sum of.....	3 20
That S. H. Casky, Sheriff of Rush county, be allowed the sum of.....	1 80
That James W. Brodie, Sheriff of Sullivan county, be allowed the sum of.....	2 60
That R. M. Salyas, Sheriff of Jefferson county, be allowed the sum of.....	1 86
That Martin Anthons, Sheriff of Knox county, be allowed the sum of.....	1 60
That John Wertz, Sheriff of Miami county, be allowed the sum of.....	20
That Peter Bowman, Deputy Sheriff of Steuben county, be allowed the sum of.....	1 80
To A. S. Jones, Sheriff of Warren county, for services, the sum of.....	1 30

To William Fleming, Sheriff of Allen county, for services, the sum of.....	50
To J. H. Johnson, Sheriff of Owen county, for services, the sum of.....	1 60
To Thomas Lyons, Sheriff of Fountain county, for ser- vices, the sum of.....	1 30
To Silas D. Hackleberry, Sheriff of Jennings county, for services, the sum of.....	1 40
To John M. Pound, Sheriff of Clark county, for services, the sum of.....	50
To Milo D. Ellis, Sheriff of Wabash county, for services, the sum of.....	1 50
To A. J. Redman, Sheriff of Tipton county, for services, the sum of.....	50
To John D. Wilson, Sheriff of Decatur county, for ser- vices, the sum of.....	50
To William M. Campbell, Sheriff of Randolph county, for services, the sum of.....	60
To William B. Low, Sheriff of Union county, for ser- vices, the sum of.....	1 00

Amend section. — by striking out “one hundred and eight dol-
lars,” and insert “thirty-six dollars” after the words “Jeremiah
Shea shall be allowed the sum of.”

Strike out the allowance made Pat McLaughlin. Larry Kennedy
and John Lannahan.

The House considered the amendments seriatum, and refused to
concur in the following:

Section — by striking out after the word “Shea,” the words “be
allowed the sum of one hundred and eight dollars,” and insert “be
allowed the sum of thirty-six dollars.”

Also refused to concur in section —, that Pat McLaughlin be
allowed the sum of seventy-eight dollars for services in assisting
State Librarian.

Also refused to concur in section —, that Larry Kennedy be al-
lowed the sum of thirty-six dollars for sweeping State House.

Also refused to concur in section —, that John Lannahan be al-
lowed the sum of seventy-two dollars for services in State Library.

Mr. Hamilton of Boone, moved to strike out “four dollars,” in
the section making allowance to the select committee on bank
frauds, and insert “three dollars.”

Which was not agreed to.

The House then concurred in the engrossed amendments of the
Senate to House bill No. 104, with the above named exceptions.

Ordered, That the clerk inform the Senate thereof.

A message from the Governor by Mr. Osbourne, Executive Messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House, that he has approved and signed the following bills :

Senate bill No. 6. "An act to cure defects in the execution of deeds or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws,"

House bill No. 62. An act for the punishment of officers of elections for refusing or neglecting to receive the votes of legal voters.

House bill No. 22. An act to provide for the re-appraisement and sale of school lands in cases therein mentioned.

Senate bill No. 110. An act to vest in the assignees of the branches of the State Bank of Indiana the right to force in their own names, either before or after the expiration of the charter of said bank, the possession, collection and enjoyment of the assets so assigned, and to have legal process, and to give acquittance in their own names, and to secure to them their rights.

A message from the Senate by Mr. Vawter, their Secretary :

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives, that the Senate has receded from its engrossed amendment to House bill No. 104, in which the House refused to concur.

On motion,
The House adjourned until to-morrow morning, 9 o'clock.

FRIDAY MORNING, 9 o'clock, {
December 24, 1858. }

The House met.

On motion by Mr. Blythe,
The reading of the journal was dispensed with.

A message from the Governor, by Mr. Osbourne, executive messenger.

MR. SPEAKER :

I am directed by the Governor to inform the House that he has approved and signed the following bills :

No. 36. An act to amend the first section of an act entitled "an act providing for extending the terms of Circuit Courts by adjournment when the pending business shall be unfinished," approved February 12, 1855, to authorize the Court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned or special terms, and of prosecuting attorneys while in attendance upon the same.

House bill No. 104. An act making specific appropriations for the year 1858.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER :

I am directed by the Senate to inform the House of Representatives that the Senate has concurred in the following resolution :

Resolved, By this House, the Senate concurring, that the laws of this session of the Legislature, as well as the journals thereof, be not published until after the next regular session, and that they then be published with the laws and journals of that session.

Mr. Boyd presented the following protest signed by himself and seven others :

MR. SPEAKER :

We, the undersigned members of the House, not having an op-

portunity to investigate the matters generally contained in the specific appropriation bill just passed by the House, and having sufficient reason for believing, as we do, that that part of said bill relating to the bank fraud investigation, contained accounts if not unjust, they are at least excessive in amount, and should not have been sanctioned and legalized by the action of this House without an opportunity offered its members to give it the requisite investigation.

For such reason we do hereby enter our protest to the recent action of this House in reference to the passage of that bill,

ROBERT BOYD,
O. S. HAMILTON,
JAMES. O. PARKS,
A. KEEFER,
CYRUS WHETZEL,
T. J. HARRISON,
SILAS COLGROVE,
W. H. GREGORY.

Other reasons exist also for the above protest.

W. R. EDWARDS.

On motion by Mr. Edwards,
The House adjourned until 2 o'clock, P. M.

2 o'clock, P. M.

The House met.

On motion by Mr. Branham,
The House, at twenty minutes past 2 o'clock, P. M., adjourned until to-morrow morning 9 o'clock.

SATURDAY MORNING, 9 o'clock, }
 December 25, 1858. }

The House met.

On motion,
 The reading of the journal was dispensed with.

On motion by Mr. Austin,

Resolved, That a committee of three be appointed on the part of the House, to act with a similar committee on the part of the Senate, to wait upon his Excellency, the Governor, and inform him that the General Assembly has agreed to adjourn until the next regular session, unless he has some further communications to make.

The Speaker appointed Messrs. Austin, Turpie and Boxley said committee.

Mr. Austin offered the following resolution :

Resolved, That the Doorkeeper be authorized to procure stamps, and directed to mail all bills printed during vacation, to the members of this House.

Mr. Edwards moved to amend by striking out the word "Doorkeeper," and inserting in lieu thereof, the words "Assistant Clerk"
 Which was agreed to.

The resolution as amended was then adopted.

A Message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the resolution of the House, in regard to the appointment of a committee to wait upon the Governor, and have appointed Senators March, McClure and Cravens said committee.

Mr. Turpie, from the select committee to wait on the Governor, made the following report:

MR. SPEAKER:

The select joint committee appointed to wait on his Excellency, the Governor, and inform him that the General Assembly has agreed to adjourn until the next regular session, if he has no further communications to make to them, have discharged that duty, and we are directed by his Excellency to inform this General Assembly, that he has no further communications to make to them at this session, and that he wishes the members thereof, health and happiness, and a pleasant journey to their homes.

A message from the Senate by Mr. Vawter, their Secretary.

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate having finished all its business, is now ready to adjourn, and desires to know if the House has any further communications to make.

On motion by Mr. Edwards,

Resolved, That the House is now ready, the Senate concurring, to adjourn until the next regular session.

On motion by Mr. Turpie,

Resolved, That the Assistant Clerk of this House be authorized to have 100 copies of the Legislative Sentinel, bound in cheap binding, the price to be contracted for in advance.

Message from the Senate by Mr. Vawter, their Secretary:

MR. SPEAKER:

I am directed by the Senate to inform the House that the Senate has concurred in the following resolution of the House, viz:

Resolved, That the House is now ready, the Senate concurring, to adjourn until the next regular session.

And that the Senate has so adjourned.

The Speaker then delivered the following valedictory:

GENTLEMEN:

These vacant seats inform the few of us who still remain, that the hour of separation for us also has arrived. They are prophetic

likewise of another separation, when not only our seats here, but the pleasant places we have filled in life, will be seen, as time passes, by the few, and ever fewer survivors of the hundred who convened in this Hall at the commencement of this session, vacant as now are the places of our departed brethren on this floor. In this admonition, profounder and more interesting by far than the lesson of sense which suggests it, let us all learn to be charitable in our construction of each others motives, purposes and actions. No, I will not say that. It does not become me; for I have lived upon your charitable forbearance and indulgence ever since I have occupied this chair. Charity and forgiveness are to you as habitual and easy as light to the sun. Had it been otherwise I should have failed even tolerably to have performed the duties devolved upon me by your choice of me as the presiding officer of the House. With your support and confidence, however, always extended to me, and for which my gratitude is the only return I can offer, I do not feel that I have altogether failed. I know I have committed many errors—some of haste, and others of inexperience—none, I am sure, of intention, but all—whether of haste or inexperience—have been attributed by you to the right quarter, and kindly overlooked and generously forgiven.

I find in my heart no cause of hard feeling toward any gentleman of the House, for any word spoken or action done toward me during the session. Hard feelings, if any have arisen, existed but for a moment, and were consigned to forgetfulness in the same place and interest in which they originated. As I have forgiven, I ask to be forgiven by you all for whatever I have done amiss, or you have so regarded.

The special session is now a matter of history. Its results—whether for good or evil—cannot be cancelled. Our record is made up complete. I do not desire to amend it. By it, the candid and fair of all parties, will judge us candidly and fairly. We ought to be willing to abide that judgment, and we can brook the judgment of all others, no matter what that judgment may be. One thing I am sure must be accorded to this session by all, namely: It has not been a failure. No session of the General Assembly, in my recollection, and I have attended many in some capacity, during the same number of days has accomplished more, by way of investigation, initiation and completion. The only regret which I entertain, in reference to our labors, is, that they could not have been protracted for a few days longer. Twenty-five days added to this session, and the people could well have dispensed with the regular session, for all necessary legislation would have been done.

A bill introduced by the gentleman from Decatur, to continue the business of this to the next regular session, and providing for taking it up where we now leave it, would have effected that desirable object as well. Clearly constitutional and proper, it is a matter of profound regret to every economical man, that it failed

by reason of the constitutional scruples of some of the members. Its passage would have saved the people much money, and us much labor. It is not possible now to remedy the results that its failure to pass will entail upon this body at its next session, except by returning at its commencement with the same spirit and energy, and patriotic devotion to the interests of the State and country at large, which you have so signally manifested during that which now closes. May you all then return, and, but I need not add, so return to this theater of your labors and honors.

It now only remains for me to discharge the last duty devolved upon me by your election and the Constitution. To pronounce the word **FAREWELL**—a word that hath been and must be—a sound that makes us linger—yet farewell.

The Speaker then adjourned the House until the time fixed by the Constitution for the meeting of the next regular session.

R. J. RYAN,
Principal Clerk.

GEO. H. CHAPMAN,
Assistant Clerk.

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BILLS OF THE HOUSE.

397

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
1	A bill to provide for the payment of the January installment of interest on the State debt.....	29	29, 66, 67, 112					Lawhead.
2	A bill to raise revenues for State purposes for the year 1858.....	29	29, 65					Boyd.
3	A bill for the appraisement of the real estate in the State of Indiana, and to make such appraisement uniform throughout the State.....	29	30, 90					Dobbins.
4	A bill to amend the 43th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish district forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18th, 1852.....	31	31, 61, 99					Merrifield.
5	A bill to amend the 6th section, and to repeal the 7th clause of the 7th section of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders of court incident thereto," approved May 13th, 1852.....	31	31, 65, 150, 183	184				Colgrove.
6	A bill to amend the 238th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity,".....	63	63, 83, 203					Griffin.
7	A bill to amend section 3 of an act entitled "an act to provide for the election and prescribing certain duties of recorder," approved May 31st, 1852.....	63	64, 84, 126, 203					Blythe.
8	A bill to provide for a uniform mode of proceedings in cases of assignments of insolvent debtors, for the appointment of trustees, and defining their duties and powers, and providing for the distribution of the proceeds of insolvent's estates.....	61	64, 89					Colgrove.
9	A bill to prevent the circulation of unauthorized paper currency.....	64	64, 84, 147, 197, 205	235				Marlin.
10	A bill to regulate the holding of elections, and to prevent fraudulent voting.....	64	64, 85	[234]				Austin.
11	A bill to repeal the 2d section of an act entitled "an act to authorize the formation of new counties, and to change county boundaries," approved March 7th, 1837.....	64	64, 86, 135, 155	155				Newton.
12	A bill supplemental to an act entitled "an act concerning interest on money," approved May 27th, 1852, and providing for a conventional rate of interest.....	64	64, 86					Shull.
13	A bill to amend section 32 of chapter 6, of volume 1, of Revised Statutes of 1852.....	64	64, 86					Wattman.

BILLS OF THE HOUSE.—Continued.

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Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
14	A bill to amend the 2d section of an act approved March 7, 1857, entitled "an act to authorize the formation of new counties, and to change county boundaries."							
15	A bill to amend the 445th, 453d and 455th sections of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases, in the courts of this State, to abolish district forms of actions at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852	76	76, 86, 170					Firestone.
16	A bill to repeal "an act to provide for the protection of wild game, defining the time in which the same may be taken and killed, and declaring the penalty for the violation of this act," approved February 26, 1857.....	76	76, 87, 134					Griffin.
17	A bill for the creation of township trustees, election of trustees, duties of township trustees, mode of assessing township tax, and doing township business....	76	77, 87, 231					Turpie.
18	A bill to amend section 18 of an act entitled "an act prescribing the powers and duties of justices of the peace in State prosecution," approved May 29, 1852....	76	77, 87, 350					Nelson.
19	A bill to secure the service of process in actions against corporations created by the General Assembly of this State, which have no officers or persons doing business in the county where they have been located, and have exercised corporate powers.....	77	77, 88, 90, 141	142				Stiles.
20	A bill to amend the 4th section of an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken, and declaring the penalty for the violation of this act," approved February 26, 1857.....	77	77, 88, 98, 142	142	232		268	Clements.
21	A bill prescribing the time of holding the circuit court in the county of Sullivan.	77	77, 89, 90, 215					Merrifield
22	A bill providing for the reappraisement of the unsold school lands in the State...	77	77, 89					Usrey.
23	A bill to repeal an act entitled "an act to prohibit the manufacture and sale of spirituous and intoxicating liquors, except in the cases therein named, and to repeal all former acts inconsistent therewith, and for the suppression of intemperance," approved February 16, 1855.....	77	77, 89, 125, 136, 146 [156]	157	338	338	371	Stanley.
24	A bill to amend section 2 of an act entitled "an act to fix the time of holding the circuit courts in the ninth judicial circuit," approved February 14th, 1857.....	82	82, 93, 94, 107	107	239		268	Dobbins.
25	A bill to prevent frauds at elections and providing penalties therefor, and repealing certain sections therein named, of chapter 31, 1st volume, Revised Statutes of 1852.....	82	82, 94					Merrifield.
		82	82, 94, 105					Shockley.

26	A bill defining the duty of sheriffs, auditors, administrators, executors, and other officers and persons in the matter of giving public notice.	83	83, 94, 117, 118	Gregory.
27	A bill to amend the 25th section of article 25 of the constitution of the State of Indiana, so as to confine the qualification of an elector to every white male citizen of the United States of the age of twenty-one years and upwards, who shall have resided in the State during six months immediately preceding such election, and to vote in the township or precinct wherein he may reside.	83	83, 94, 185	Gregory.
28	A bill to prescribe the time, place and manner of electing United States Senators.	90	90, 95, 99, 143, 158	Branham.
29	A bill to fix the times for holding the circuit court in the eighth judicial circuit, and repealing all laws in conflict therewith.	92	92, 104, 138, 139	Newton.
30	A bill to repeal an act entitled "an act to provide for the protection of wild game, defining the time in which the same may be taken or killed, and declaring the penalty for the violation of said act," approved February 26, 1857.	92	92, 104	Shull.
31	A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1857.	93	93, 104	Lewis.
32	A bill to repeal an act entitled "an act authorizing the State of Illinois to maintain the Calumet feeder dam, and securing the use of the waters of the Calumet river, and providing the manner of assessing damages sustained by the citizens of Indiana by the erection thereof, and regulating the draining of swamp lands adjacent to the Calumet river in the State of Indiana, approved March 7, 1857.	93	93, 104, 133, 138, 157	Griffin.
33	A bill for the taxing of the costs to the complaining witness if he fails to sustain the charge, in all cases of misdemeanors.	93	93, 105	Black.
34	A bill to repeal the 30th section of an act entitled "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judges thereof," approved May 14, 1852.	93	93, 105, 139	Merrifield.
35	A bill to regulate the collection of judgments and the sale of property, on execution against any sheriff, constable or other public officer, administrator, guarantia, executor, or any other person or corporation receiving or holding moneys in a fiduciary capacity, or the sureties of any or either of them.	100	100, 123, 160	Judiciary Com.
36	A bill to amend an act entitled "an act to provide for the selection and empanelling of petit jurors in the court of common pleas, and providing compensation thereof," approved March 1, 1853, being supplemental to an act entitled "an act prescribing the manner of empanelling petit jurors, the number and compensation thereof," approved May 20, 1852.	101	102, 122, 123, 187, 207	Presser.
37	A bill to amend section 1, of an act entitled "an act providing for extending the terms of circuit courts by adjournment, when the pending business shall be unfinished," approved February 12, 1855; to authorize the court or judge to call and hold special terms, and to fix the compensation of the judges for holding such adjourned and special terms, and of prosecuting attorneys while in attendance upon the same.	103	103, 123, 196, 212	Davis.
38	A bill to legalize the time and manner of electing U. S. Senators.	102	103, 123, 169	Hannay.
39	A bill to legalize the acknowledgment of all deeds, mortgages and other instruments required to be recorded, taken and certified by the clerks of the circuit and common pleas courts of this State, after the reception of the revised statutes of 1852, in their respective offices.	103	104, 123, 159	Blythe

BILLS OF THE HOUSE.—Continued.

400

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed Senate.	Other proceedings.	Approved.	By whom introduced
40	A bill to relieve Nathan Rowley, of Vanderburgh county, from the consequences of certain legal proceedings had, and a judgment rendered in the Vanderburgh circuit court, at its September term, A. D. 1847, in an action wherein the State of Indiana, on the relation of Bracket Mills, school commissioner, was plaintiff, and the said Nathan Rowley, former school commissioner, and sundry other persons, his sureties as such, were defendants.....	115	116, 123, 124, 137, 161				Blythe.
41	A bill to punish the giving of false certificates, and the making of false and fraudulent appraisements in certain cases therein named.....	116	116, 124, 294				Blythe.
42	A bill to establish courts of common pleas, defining their jurisdiction and duties, and providing compensation for the judge and practicing attorney thereof, and to repeal "an act to establish courts of common pleas, and defining the jurisdiction and duties of, and providing compensation for the judge thereof," approved May 4, 1832, and to repeal all other acts inconsistent herewith.....	116	116, 124, 249, 250, 353			268	Hunter.
43	A bill to authorize churches to form a union, as a new name, and enable them to receive conveyances of lands and donations of personal property.....	116	116, 124, 137, 138, 161	239			Hunter.
44	A bill to repeal the 735th section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, appraisers of real estate, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1832.....	121	121, 190, 248				Carr.
45	A bill to legalize the location, vacation and change of public highways.....	121	121, 190				Prosser.
46	A bill to fix the time of holding, and the length of the sessions thereof, of the boards of township trustees in the several counties of this State, and repeal section 2 of an act entitled "an act for the more uniform mode of doing township business," approved May 6, 1832.....	121	121, 190, 232				Turpie.
47	A bill declaring what shall be a sufficient seal to deeds of conveyance, and other written instruments therein named, and to cure the defects in the execution of deeds and other written instruments heretofore executed.....	121	121, 190, 248				Clements.
48	A bill to repeal section 10 of an act entitled "an act to establish courts of conciliation, to prescribe rules therein, and compensation of judges thereof," approved June 11, 1832.....	122	122, 190				Clements.
49	A bill regulating the remission of forfeited recognizances.....	122	122, 190, 247				Robinson.

50	A bill defining the misdemeanor of an assault.	122	122, 190, 215	Nebeker of Warren.
51	A bill to authorize the continuance of all bills, joint resolutions and other business remaining unfinished at the close of the present extra session of this General Assembly, to the next regular session thereof, so that the same may be passed and completed from the stage thereof at which it may be left at the close of the present session.	133	133, 191, 341	Robinson.
52	A bill to authorize plank, macadamized and gravel road companies to consolidate their stock with other similar companies, and to assume a common name, and defining the power of such consolidated company.	133	133, 191, 248	Jeffers.
53	A bill to authorize the publication of certain decisions of the supreme court, and the purchases of six hundred copies thereof by the State.	133	133, 191	Gordon.
54	A bill to amend the 15th and 91st section of an act entitled "an act to establish a bank with branches," which passed the House March 3, 1855, the Governor's objections to the contrary notwithstanding.	133	133, 192	Austin.
55	A bill to regulate the holding of agricultural fairs and other public meetings, and to prevent frauds upon agricultural societies.	135	135, 192, 351	Committee on Agriculture.
56	A bill to authorize all persons to travel on plank, macadamized and gravel roads free from toll, in going to and returning from church or public worship on the Sabbath day.	138	138, 192, 249	Jeffers.
57	A bill to amend the 143d section of an act entitled "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1852.	140	141, 192, 204	Dobbins.
58	A bill to provide for the payment of costs in criminal actions, to enforce the collection of the same, and to repeal the 169th section of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in criminal actions in the courts of this State," approved June 17, 1852.	141	141, 193, 204, 205	Scott.
59	A bill to repeal the 13th paragraph of section 22, of the 4th article of the constitution of the State of Indiana, and to amend the 1st section of the 8th article of the constitution of the State of Indiana, and to repeal section 8 of the 8th article of the constitution of the State of Indiana.	141	141, 193, 236	Parks.
60	A bill to amend the 6th section of an act entitled "an act providing for the organization of county boards, and prescribing their powers and duties," approved June 17, 1852.	141	141, 193, 233, 287, 288	Hamilton of Wayne.
61	A bill prescribing the manner of empanneling petit jurors, and fixing the number and compensation thereof.	141	141, 193, 230	Blythe.
62	A bill for the punishment of officers of elections for refusing or neglecting to receive votes of legal voters.	154	155, 193, 202, 235	Kier.
63	A bill to amend section 1 of an act entitled "an act to provide compensation to the owners of animals killed or injured by cars, locomotives or other carriages of any railroad company in this State," approved March 1, 1853.	155	155, 194	Early.
64	A bill to regulate the sale of spirituous liquors.	175	175, 194	Durham.
65	A bill to license, regulate and restrain the sale of spirituous, vinous, malt and intoxicating liquors, to prevent drunkenness and crime, to prohibit the adulteration of liquors, and to repeal all former laws conflicting with the provisions of this act.	175	175, 238, 283, 284	Mansfield.

BILLS OF THE HOUSE.—Continued.

402

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
66	A bill to amend section 5, and to repeal section 10 of an act entitled "an act to provide for equalizing the appraisement of or taxation of the real property of the State of Indiana," approved May 28, 1852, and constituting the county auditors as a district board of equalization, and fixing the place where each district board shall meet.....	177	127, 238, 239					Edwards.
67	A bill to suppress tippling houses, to punish drunkenness, and to regulate the sale, barter and giving away of spirituous and malt liquors, wine and cider, and to repeal all laws inconsistent therewith.....	177	177					Austin.
68	A bill to amend section 9 of an act entitled "an act providing for the election of clerks of the circuit courts, and prescribing some of their duties," approved June 7, 1852.....	177	177					Shockley.
69	A bill to prevent the illegal removal of deceased persons, and prescribing penalties therefor.....	178	178					Hamilton of Boone.
70	A bill for the relief of Peter Shultz of Greene county, and releasing to him the interest which the State holds in certain real estate.....	178	178					Cavins.
71	A bill to amend an act to prevent the carrying off the products of the soil while attached to the realty, and to prescribe a penalty therefor.....	178	178, 194					Hamilton of Boone.
72	A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation, the safe keeping and disbursements of the public funds of the State, and appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State government, and repayment of the moneys borrowed for such purposes, establishing the salary of the State Treasurer, and his duties, to punish employees in the management of said funds for making any false drafts, checks, entries, or records while in such employment.....							[and Means. Committee of Ways
73	A bill to raise a revenue for State purposes for the years 1859 and 1860.....	180	183, 186, 226, 228	210	245		268	Hunter.
74	A bill to provide for and secure the rights of married women in real estate.....	183	183, 208, 209, 210					Cotta.
75	A bill to provide for perpetuating the records of surveys of lands in the different counties of this State.....	189	189					Forlyce.
76	A bill to amend the 21st section of an act entitled "an act defining misdemeanors, and prescribing punishment therefor," approved June 14, 1852.....	198	198					Dobbins.
77	A bill to regulate the retailing of spirituous and intoxicating liquors, to suppress the evils arising therefrom, fixing penalties for violations of the law, and declaring certain contracts void.....	198	198					Boyd.

78	A bill to provide for the transfer from the court of common pleas to the circuit court certain causes wherein the court of common pleas has no jurisdiction.....	198	198	Brotherton.
79	A bill supplemental to an act entitled "an act to provide for the location of county seats, and for the erection of public buildings in counties in case of such re-location," approved March 2, 1855, and providing for re-location where lands and court-house have been donated and petitions filed.....	198	198, 199, 205, 206, 213, 217	Smith of Perry.
80	A bill to regulate the sale of spirituous or intoxicating liquors, prescribing penalties for violations of the same, and to raise a revenue from the sale of such liquors.....	199	199	Nelson.
81	A bill requiring the Auditor of State to pay over money or stocks to the proprietors or stockholders of the banks.....	200	200	Murray.
82	A bill to provide for the election of county assessors, and prescribing their duties, to provide for the appointment of deputy assessors, and prescribing their duties, and to repeal all laws coming in conflict with this act.....	200	200	Waterman.
83	A bill to amend the 94th section of an act entitled "an act to provide for the valuation and assessment of real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21, 1852.....	206	207	Judiciary Committee.
84	A bill to amend the 238th section of an act entitled "an act to revise, simplify and abridge the rules practice, pleadings and forms in civil cases, in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," approved June 18, 1852.....	212	212	Scott.
85	A bill to amend the 31st section of act providing for the election or appointment of supervisors of highways, and prescribing certain of their duties, and those of county and township officers in relation thereto," approved June 18, 1852.....	212	212	Treadway.
86	A bill to amend section 33 of an act entitled "an act to revise, simplify and abridge the rules, practice, pleadings and forms in civil cases in the courts of this State, to abolish distinct forms of action at law, and to provide for the administration of justice in a uniform mode of pleading and practice, without distinction between law and equity," so as to provide that no suit against the maker of a written contract, assigned with or without endorsement, shall be commenced without the county of the maker's residence.....	220	220	Prosser.
87	A bill to amend section 6 of an act entitled "an act in relation to applying certain funds therein named to the payment of the public debt," approved June 18, 1852, so as to provide for the cancellation of purchased bonds.....	221	221	Branham.
88	A bill to amend section 14 of an act entitled "an act providing for the election of justices of the peace, and defining their jurisdiction, powers and duties, in civil cases," approved June 9, 1852.....	221	221	Martin.
89	A bill to amend the third section of an act to incorporate the town of Peru, approved February 14, 1848.....	221	221	Smith of Miami.
90	A bill to repeal an act entitled "an act to establish courts of conciliation, to provide rules and proceedings therein, and compensation of judges thereof," approved June 11, 1852.....	221	221	Powers.

BILLS OF THE HOUSE.—Continued.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
91	A bill to prohibit clerks and deputy clerks of the supreme, circuit, and common pleas courts from practicing as attorneys or counsellors at law in the courts of which they are clerks or deputy clerks, declaring it to be a misdemeanor for the clerks of the circuit or common pleas courts to refuse to issue summons and other writs in certain cases, and defining the penalty therefor.	221	221					Stanley.
92	A bill to prevent carrying concealed or dangerous weapons, and to provide punishment therefor.	221	221					Hamilton of Boone.
93	A bill to repeal an act entitled "an act to establish courts of common pleas, and defining the jurisdiction of, and duties of, and providing for the judges thereof," approved May 14, 1852.	227	227					Committee on the organization of courts.
94	A bill to provide for the organization of circuit courts, the election of the judges thereof, defining their powers and duties, and the jurisdiction of said courts, and fixing the salaries of said judges, and the number of terms of said courts, and providing for adjourned terms of said courts, and transferring the probate business of the common pleas court to the circuit court, and repealing all former laws on the subject.	227	227, 228					Committee on the organization of courts.
95	A bill giving the clerks of the several circuit courts of this State probate jurisdiction, defining their powers and duties therein, and fixing their compensation therefor; to prohibit clerks and their deputies from practicing law, and providing a penalty therefor, and repealing all laws in conflict with the provisions of this act.	227	227, 229					do
96	A bill to provide for the election of, and certain duties of prosecuting attorneys.	227	227					do
97	A bill to amend section 3 of an act entitled "an act containing several provisions regarding landlords and tenants, lessors and lessees," approved May 20, 1852.	233	233					Durham.
98	A bill providing for the election of a board of sinking fund commissioners, prescribing their duties, term of office and compensation.	240	240, 241, 242, 243, 245 [253, 255, 256, 262, 267]	274				Branham.
99	A bill appropriating certain funds to meet the interest on the public debt, and pay the current expenses of the State government, and repayment of money borrowed for such purposes.	240	240, 241, 246 [269, 270, 273]					Branham.
100	A bill prohibiting any officer or officers, clerk, deputy, employee, or agent of any officer or officers, having charge or under their control in any manner, any of the public funds of this State, or any county or township of this State, from making any false record or fraudulent entry concerning the same, knowingly, or from embezzling any part thereof, and declaring the same a felony, and providing a penalty therefor.	243	244					Mellett.

101	A bill to secure to the sinking fund a debt which the State owes to said fund, and to provide for the payment of interest on said debt	263	263, 295	296	338		Com. on Education.
102	A bill to establish the independent treasury of the State of Indiana, to provide for the safe-keeping and disbursement of the public money of the State, and of the several counties thereof, creating the office of Comptroller of the Treasury, and prescribing the manner of his election, defining his duties and fixing his compensation; defining the duties of Treasurer of State, Auditor of State, and other State officers, and the duties of county auditors and treasurers; and for the examination of State and county treasurers, and other county officers, and providing for the punishment of the crime of embezzlement of public money, and fixing other penalties for the violation of the provisions of this act, A bill making specific appropriations for the year 1852.....	281 327	281 327, 339	339	358	358 to 370, 371	Jones. Branham.
104						372	

JOINT RESOLUTIONS OF THE HOUSE.

Number.	TITLES.	Introduced.	Proceedings thereon.	Passed House.	Passed Senate.	Other proceedings.	Approved.	By whom introduced.
1	A joint resolution in relation to the subjects of legislation at the present session of the General Assembly	29	29, 66, 83					Devol.
2	A joint resolution concerning a grant of lands for agricultural colleges.....	92	92, 106, 135					Waterman.
3	A joint resolution instructing our Senators and requesting our Representatives to use their influence to have a canal constructed around the Falls of the Ohio....	95	95, 106, 162					Prosser.
4	A joint resolution directing the Treasurer of State to appropriate all public money in his hands as therein provided, and directing the Governor, Treasurer and Auditor to borrow money of the commissioners of the sinking fund or elsewhere, giving the preference to said fund.....	288	288 to 290	290	325			Smith of Perry.

BILLS OF THE SENATE.

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Number.	TITLE.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
3	A bill to provide for the appraisement of real estate, and prescribing the duties of officers in relation thereto.....	102	102, 125, 144, 162	163	222, 233, 253, 254, 262, 268
11	A bill in relation to ventilating, repairing and warming county prisons.....	106	106, 184, 236	237	256
16	A bill for the relief of James O'Brien, and for divesting the title the State may have in certain lands therein described.....	106	106, 185, 350		
15	A bill to authorize and empower the county commissioners, or board doing county business in any county, to take possession of and control any and all plank, gravel and McAdamized roads in their respective counties, which may have been abandoned by the corporations constructing and maintaining the same.....				
31	A bill to fix the time of holding the courts of common pleas in the county of Bartholomew.....	106	106, 184, 284, 286	287	331, 333
28	A bill to prescribe the time, place and manner of electing United States Senators, and to fix the penalty upon officers failing to certify to said election.....	130	130, 156	156	211, 215, 216
4	A bill to amend sections 6, 7, 10, 11, 12, 15, 19 and 20 of an act entitled "an act regulating the granting of divorces, nullification of marriages, and decrees and orders incident thereto," approved May 13, 1852.....	158	158, 159, 184, 213, 224	225	242, 268, 275
6	A bill to cure defects in the execution of deeds, or in the certificates of acknowledgments of conveyances of real estate, or any interest therein, in the cases therein named, and doing away with a seal or ink scroll in the cases therein named, and to repeal conflicting laws.....	200	200, 337		
59	A bill to amend the 35th section of an act entitled "an act to regulate the licensing of pilots at the Falls of the Ohio, requiring bonds and security of such pilots, prohibiting any unlicensed person from acting as such pilots, and providing for the compensation of such pilots, and the revocation of their licenses," approved June 15, 1852.....	201	201, 237, 247, 344	344	371
20	A bill to authorize the incorporation of associations formed for building towns within this State.	201	201, 237, 264	265	291, 332
34	A bill to prescribe the duties of assessors, so as to provide for making their list of farm products, domestic animals and other property, every four years, and in regard to the duties of county auditors and auditor of State in connection therewith, and to repeal all laws conflicting therewith.....	201	201, 238	266	282, 291, 324
60	A bill to amend an act entitled "an act authorizing county agricultural societies to purchase and hold real estate," approved February 7, 1855.....	201	201, 238		
5	A bill to amend the 32d section of "an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the treasurer and auditor of State," approved June 21, 1855.....	202	202, 238, 267	267	
		264	264, 283	286	299, 332

BILLS OF THE SENATE.—Continued.

Number.	TITLE.	Reported from Senate.	Proceedings thereon.	Passed House.	Other proceedings.
86	A bill to enable the holders of unauthorized paper currency to collect the amount thereof from any person, company or corporation, heretofore or hereafter issuing, or aiding in the issue or circulation thereof.....	296	296 to 298	298	331, 353
109	A bill to prevent the putting away or circulating of worthless or broken bank notes or paper, and to prevent the issuing or circulating of unauthorized paper currency, in the similitude of bank bills or notes, and for the redemption of such as have been issued, and to prevent any and all violations of the provisions of this act.....	319	319, 325, 349		
60	A bill to amend the 20th, 28th, 32d and 51st sections of an act entitled "an act to regulate the sale of swamp lands, donated by the United States to the State of Indiana, and to provide for the draining and reclaiming thereof, in accordance with the condition of said grant," approved May 29, 1852.....	334	334		
102	A bill to continue the present board of sinking fund commissioners, consisting of a president and four commissioners and one clerk, from the first day of January, 1859, to the first Monday of April, 1859, and until their successors are elected and qualified.....	335	335, 345	345	346, 354, 355
110	A bill to vest in the assignees of the branches of the State bank of Indiana, the right to force, in their own names, either before or after the expiration of the charter of said bank, the possession, collection, and enjoyment of the assets so assigned, and to have legal process, and to give acquittance in their own names, and to secure to them their rights	346	346 to 347	347	371

RESOLUTIONS OF THE HOUSE.

SUBJECT MATTER OF.	Introduced	MOVER'S NAME.	Other Proceedings.	Adopted.
To inform the Senate of the organization of the House.	10	Dobbins.		10
Authorizing the doorkeeper to appoint two pages.	10	Austin.		10
Adopting the rules of the last House of Representatives.	10	Boyd.		10
Permitting the reporters to occupy seats within the bar.	10	Dobbins.		10
Directing the procurement of the rules of the House.	11	Turpie.		11
To appoint a committee to wait on the Governor.	11	Dobbins.		11
Directing the doorkeeper to act as sergeant at arms.	11	Nebecker of Warren.		11
Directing the procurement of copies of the revised statutes, sets of 1837, and Journal of last House.	11	Jefferts.		11
Authorizing the doorkeeper to appoint assistants.	11	Murray.	11	11
Authorizing the clerk and assistant clerk to appoint assistants.	11	Baird.	12	12
Directing a subscription for certain newspapers.	12	Dobbins.	12	12
Directing the doorkeeper to post up the 57th rule of the House.	12	Austin.		12
Directing a subscription for certain newspapers.	13	Livinead.	12, 14	
Directing a subscription for such newspapers as report the legislative proceedings.	14	Murray.	14	15
Directing the purchase of postage stamps for members.	16	Jefferts.	16, 28, 37	
To appoint a committee to prepare joint rules of the House and Senate.	16	Turpie.		16
Inviting Senate into joint session to hear the Governor's message.	16	Dobbins.		16
Providing for opening the General Assembly with prayer.	16	Murray.		16
Authorizing the assistant clerk to appoint assistants.	17	Martin.	17	17
Inviting the Senate to attend the opening of the General Assembly with prayer.	17	Turpie.		17
Referring Governor's message to committee of the whole.	21	Boyd.		21
Relating to the Wabash and Erie canal.	23	Edwards.	21 to 23	23
For printing the Governor's message.	23	Turpie.	23	24
In relation to levying a tax for the year 1852.	25	Murray.	25	
Authorizing the doorkeeper to employ an additional assistant.	26	Branham.		26
To fix a day for the final adjournment.	26	Lewis.	26	
To print the documents accompanying Governor's message.	27	Dobbins.		27
Directing doorkeeper to furnish members with reports.	27	Austin.		27
In regard to enlarging and improving the State Penitentiary.	27	Hamilton of Boone.		27
To appoint a select committee on stationery.	27	Branham.		27
Directing an inquiry into the condition of the sinking fund.	28	Waterman.		28
Relating to Houses of refuge for juvenile offenders.	31	Lewis.		31
Directing the doorkeeper to furnish members with certain acts.	31	Ritter.		31
To increase the committee on apportionment to eleven.	31	Branham.		31
Referring the Governor's message to appropriate committees.	36	Committee of the Whole.		36

RESOLUTIONS OF THE HOUSE.—Continued.

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SUBJECT MATTER OF.	Introduced.	MOVER'S NAME.	Other Proceedings.	Adopted.
To purchase stamps for the use of members.....	37	Thompson of Elk River.....	37	
To purchase stamps for the use of members.....	38	Keeler.....	38	50
Referring to the pretended election of Messrs. Bright and Fitch to the U. S. Senate.....	39	Austin.....	39, 47	41
Directing that members be furnished with the report of the State board of agriculture.....	41	Treadway.....		
Relating to the proper subjects for present legislation.....	41	Dougherty.....	41, 42	48
To purchase postage stamps for the use of members.....	43	Shull.....	43	43
Relating to postage on matter printed by the House.....	44	Murray.....		44
Adding two members to the judiciary committee.....	44	Colgrove.....		44
Directing that certain newspapers be stamped and enveloped by the publishers.....	44	Murray.....		44
To secure indebtedness due to the school fund.....	44	Nebeker of Warren.....		44
In relation to amounts audited in favor of the attorney general.....	44	Gordon.....		44
In relation to amounts audited in favor of Governors Wright and Willard.....	45	Gordon.....		45
In relation to amounts audited in favor of recent State Librarians.....	45	Gordon.....		45
In relation to amounts audited in favor of Clerk of the Supreme Court.....	45	Gordon.....		45
Relating to the constitutionality of certain portions of chapter 58, acts of 1857.....	46	Gordon.....		46
Relating to the disbursement of public funds without law.....	46	Murray.....		46
Directing that members be furnished with report of the committee on bank frauds.....	46	Sullivan.....		46
In regard to abolishing the common pleas court.....	46	Boyd.....	46	46
Relating to repairing and ventilating the hall of the House.....	46	Clements.....		46
Concerning the compensation of members of the Legislature.....	47	Hunter.....		47
Calling on the Auditor of State for certain information.....	47	Dobbs.....		47
To provide certain articles for the judiciary committee room.....	47	Colgrove.....		47
To increase the rate of legal interest.....	47	Shull.....		
In relation to adjourning from Saturday until Monday.....	47	Branham.....	185	52
In regard to limiting debate.....	52	's roadway.....	52	
To add two members to the committee on swamp lands.....	52	Turpie.....		52
To furnish members with the report of the trustees of Indiana University.....	52	Row.....		52
In relation to the election of Messrs. Bright and Fitch to the U. S. Senate.....	53	Parrett.....	53	
To purchase Supreme Court Reports for the judiciary committee.....	61	Turpie.....		61
In relation to distributing the school fund to the several counties.....	61	Prosser.....		61
In regard to changing the mode of doing township business.....	61	Claypool.....		61
To appoint a committee to examine the bills of the State Printer.....	62	Ritter.....		62
Concerning the levying of a tax.....	62	Edwards.....	62, 78, 97, 108	110
Authorizing the Auditor of State to employ additional clerks.....	63	Parrett.....	62	

In relation to the expenditures of each administration of this State.....	62	Lawhead.....	63
To amend the school law in several particulars.....	63	Murray.....	67
Concerning a license system regulating the liquor traffic.....	67	Durham.....	67
Concerning the enactment of a liquor law.....	67	Murray.....	67
For letting the State printing to the lowest bidder.....	67	Keefe.....	67
To add two members to the committee on the affairs of the State Prison.....	67	Scott.....	68, 70
Authorizing a subscription for the Legislative Sentinel.....	69	Carr.....	69
Distributing the school fund among the counties.....	69	Jeffers.....	69
In relation to the distribution of the school fund.....	70	Shull.....	70
In relation to assessing the property of railroad companies.....	70	Turpie.....	70
In relation to docket fees in civil causes.....	70	Merrifield.....	70
Concerning the indebtedness of the State.....	71	Hunter.....	70
Concerning a change in the road law.....	71	Treadway.....	70
To abolish present modes of doing township business.....	74	Colgrove.....	72, 73
Concerning the business to be transacted at the present session.....	75	Murray.....	75
Relative to the election of Bright and Fitch to the U. S. Senate.....	75	Turpie.....	75
Relative to sheriffs' fees for taking convicts to the State Prison.....	76	Low.....	76
Concerning funds to meet the deficiency in the treasury.....	76	Murray.....	76
Relative to justices of the peace in incorporated towns.....	80	Usrey.....	76
To furnish members with Jefferson's Manual.....	81	Kemp.....	81
Relative to adding German works to school libraries in certain cases.....	81	Johnston.....	81
Calling on the Auditor of State for certain information.....	81	Murray.....	81
Relative to the manner of doing probate business.....	81	Boyd.....	81
Contemplating a change in the constitution.....	81	Hamilton of Boone.....	81
To enlarge the common pleas districts.....	81	Brotherton.....	81
To ascertain the amount of school fund paid to each county in the State.....	82	Miller.....	81
Allowing a clerk to the select committee on printing.....	82	Cotton.....	82
Relative to the number of township officers.....	82	Dobbins.....	82
Relative to abolishing the court of common pleas.....	94	Goldgrove.....	94
To ascertain the constitutionality and expediency of the State sub-treasury system.....	94	Griffin.....	94
Adding Mr. Parks to the committee on swamp lands.....	94	Whetzel.....	94
Relative to certain changes in the road law.....	94	Sullivan.....	94
Relative to amending the game law in respect to netting pheasants and quails.....	95	Austin.....	95
To ascertain the power of the Legislature to repeal section 15 of the bank charter.....	100	Durham.....	95
Granting the use of the hall of the House to Henry Walker.....	100	Shull.....	100
Relative to the government of the benevolent institutions.....	101	Lawhead.....	100
Instructing committee to report a temperance bill.....	101	Brotherton.....	101
In relation to additional assistance for the State Auditor.....	101	Austin.....	101
To ascertain the cause of the increase of crime in this State.....	101	Sullivan.....	101
Contemplating a change in the present assessment laws.....	101	Parks.....	101
To make the "Indiacapola Fund" a part of the common school fund.....	101	Cotton.....	108
Relative to doing away with district school directors.....	108	Clements.....	113
For the erection of two steam furnaces in the capitol.....	113	Cavins.....	113
To add two members to the committee on the organization of courts.....	113	Griffin.....	113
Requesting the committee on swamp lands to report back a bill.....	113	Ittner.....	113
To extend the privileges and authority of managers of camp meetings.....	114	Waterman.....	114
In relation to limiting the number of assessors, &c.....	114	Harrison.....	114
Relative to changing the number of supreme judges.....	114	Haney.....	114
In relation to the management and application of the school fund.....	114		

RESOLUTIONS OF THE HOUSE.—Continued.

SUBJECT MATTER OF.	Introduced.	MOVER'S NAME.	Other Proceedings.	Adopted.
Relative to the application of the trust funds to meet certain deficits in the revenue.	115	Snyder.....	115	115
Concerning the indebtedness of the State to the sinking fund	115	Colgrove.....		115
Relative to a geological survey of the State.....	115	Dobbins.....		115
Adding two members to the committee on county and township business	115	Harrison.....		115
In regard to the matter of public printing.....	118	Turpie.....		118
To abolish the grand jury system.....	118	Miller.....	118	
In regard to the propriety of a license law.....	119	Kempf.....		119
To print Owen's geological report.....	119	Massey.....	119, 120	
Relative to certain proposed amendments to the assessment law	119	Miller.....	119	
Concerning the day of final adjournment.....	119	Clements.....	119	
To prevent the issuing and circulation of small bills.....	128	Dobbins.....	149	
Relative to abolishing road districts in incorporated towns.....	128	Colgrove.....		120
Relative to the obligation of the State in regard to the Michigan Road.	128	Gordon.....		128
Relative to certain amendments to the assessment law.	128	Miller.....		128
Relative to the reduction of the fees of county officers.....	129	Devol.....	129	
To procure certain information relative to benevolent institutions.....	129	Smith of Perry.....		129
For changing the mode of doing township business.....	129	Devol.....	129, 131	
Requiring county surveyors to keep an office at the county seat.....	132	Dobbins.....		132
In regard to the propriety of enacting a license law.....	132	Collier.....		132
For repealing the law requiring county treasurers to visit each township to collect taxes.....	132	Murray.....		132
In regard to changing the mode of doing township business.....	132	Murray.....		132
Relative to changing the United States for the use of our State Prison.....	132	Knowlton.....		132
For reducing the fees of clerks of the circuit court.....	139	Row.....		139
Concerning certain amendments to the constitution.....	139	Devol.....	139, 140	
Concerning certain amendments to the school law.....	140	Murray.....		140
Relative to requiring certain vendors of patent medicines to pay license.....	140	Purham.....	140	
Relative to the necessary changes in the manner of assessing personal property.....	140	Kempf.....	189	
Requiring a statement of the swamp land funds paid into the Treasurer's office.....	140	Hartley.....		140
Relative to taking depositions in contested election case.....	146	Griffin.....		140
Concerning the law regulating the duties of the Agent of State.....	153	Murray.....		146
For reducing the fees of all county officers.....	153	Dobbins.....		153
Subscribing for the Indiana American.....	153	Devol.....	153	
In regard to amending the law regulating fees and salaries.....	154	Stinson.....		154
For changing the law regulating the approval of constable's bonds.....	154	Ritter.....		154
	154	Row.....	188	

In regard to amending the assessment law.....	154	Hartley.....	154
To prevent throwing any dead animal in any running stream.....	154	Whetzel.....	154
Relative to extending the jurisdiction of justices of the peace in civil cases.....	154	Griffin.....	154
Allowing the Auditor of State additional assistance.....	170	Brotherton.....	171
For prohibiting banks from receiving any greater rate of interest than that allowed by law.....	174	Martin.....	174
For printing all engrossed bills before passage.....	174	Snyder.....	174
In regard to the existence of the office of Public Printer.....	174	Miller.....	174
In reference to the adjournment.....	174	Power.....	174
Requiring the Clerk to note the time of making certain motions.....	175	Turpie.....	175
Authorizing the sale of certain waste documents.....	189	Hunter.....	189
In relation to the inefficiency of the insurance law.....	189	Murray.....	189
Relative to the fees and salaries of county treasurers and auditors.....	194	Colgrove.....	194
Granting the Hall of the House to Andrew Jackson Davis.....	197	Dobbins.....	197
Relative to providing a house of refuge for juvenile offenders.....	197	Nellett.....	197
Granting the use of the Hall of the House to the State Teachers' Association.....	207	Branham.....	207
Relative to certain repairs in the Hall of the House.....	207	Shull.....	207
Fixing a day for final adjournment.....	210	Dougherty.....	210
In regard to draining lands by the owner thereof.....	211	Hamilton of Boone.....	211
For taking depositions in contested election case.....	211	Dougherty.....	211
Requesting Senate to return Senate bill No. 31.....	211	Newton.....	211
In reference to the time of departure of the mails.....	216	Durham.....	216
Relative to letting the public printing and binding separately to the lowest bidders.....	216	Hartley.....	216
To extend the jurisdiction of justices of the peace.....	216	Hamilton of Boone.....	216
Authorizing Mr. Stanfield to take testimony in contested election case.....	218	Collier.....	218
Inviting Superintendents of Deaf and Dumb and Blind Asylums to give exhibitions.....	218	Murray.....	218
To limit debate in the House.....	219	Treadway.....	219
Relative to warming and ventilating the Hall.....	219	Erotherton.....	219
Requesting members to postpone the delivery of certain speeches.....	219	Thompson of Madison.....	219
Proposing to reduce the pay of members of the General Assembly.....	220	Murray.....	220
Fixing a time for electing a State Printer.....	233	Shull.....	233
As to the constitutionality of continuing over the unfinished business of the special session.....	237	Dougherty.....	237
For printing all temperance bills before the House.....	237	Branham.....	237
Concerning the clerks employed by committees of the House.....	294	Hunter.....	294
Authorizing the committee on the affairs of the State prison to act during the vacation.....	294	Robinson.....	294
To appoint a committee to draft a temperance bill.....	330	(Senate)	330
Relative to the election of U. S. Senators.....	337	Jeffers.....	337
Relative to the day of final adjournment.....	338	Jeffers.....	338
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